SIDNEY'S

Discourses on Government.

Filbert Russell

DISCOURSES

ON

GOVERNMENT.

BY ALGERNON SIDNEY.

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CHAPTER II.

SECTION IV.

THE PATERNAL RIGHT DEVOLVES TO, AND IS INHERITED BY, ALL THE CHILDREN.

THOUGH the perversity of our author's judgment and nature may have driven him into the most gross errors, it is not amiss to observe, that many of those deliverd by him proceed from his ignorance of the most important differences between father and lord, king and tyrant; which are so evident and irreconciliable, that one would have thought no man could be so stupid as not to see it impossible for one and the same man, at the same time, to be father and master, king and tyrant, over the same persons. But lest he should think me too scrupulous, or too strict in inquiring after truth, I intend for the pre-

sent to wave that inquiry, and to seek what was good for Adam and Noah; what we have reason to believe they desired to transmit to their posterity, and to take it for a perpetual law in its utmost extent; which I think will be of no advantage to our author: for this authority, which was universal during their lives, must necessarily, after their decease, be divided, as an inheritance, into as many parcels as they had children. The apostle says, "If children, then heirs, heirs of God, and joint heirs with Christ;"* which, alluding to the laws and customs of nations, could have been of no force, unless it had been true and known to be so. But if children are heirs, or joint heirs, whatsoever authority Adam or Noah had, is inherited by every man in the world; and that title of heir which our author so much magnifies, as if it were annexed to one single person, vanishes into nothing: or else the words of the apostle could have neither strength nor truth in them, but would be built upon a false foundation, which may perhaps agree with our author's divinity.

Yet, if the apostle had not declared himself so fully in this point, we might easily have seen, that Adam and Noah did leave their children in that equality: for fathers are ever understood to embrace all their children with equal affection, till the discovery of personal virtues and vices makes a difference. But the personal virtues, that give a reasonable preference of one before another, or make him more fit

* Rom. viii. 19.

to govern than the others, cannot appear before he is, nor can be annexed to any one line: therefore, the father cannot be thought to have given to one man, or his descendants, the government of his brethren and their descendants.

Besides, though the law of England may make one man to be sole heir of his father, yet the laws of God and nature do not so. All the children of Noah were his heirs: the land promised to Abraham, Isaac, and Jacob, was equally divided among their children. If the children of Joseph made two tribes, it was not as the first-born, but by the will of Jacob, who adopted Ephraim and Manasseh; and they thereby became his sons, and obtained an inheritance equal to that of the other tribes. The law allowed a double portion to the first begotten; but this made a difference between the brothers only in proportion, whereas that between lord and servant is in specie, not in degree. And if our author's opinion might take place instead of such a division of the common inheritance between brothers, as was made between the children of Jacob, all must continue forever slaves to one lord; which would establish a difference in specie between brethren, which nature abhors.

If nature does not make one man lord over his brethren, he can never come to be their lord, unless they make him so, or he subdue them. If he subdue them, it is an act of violence contrary to right, which may consequently be recovered: if they make

him lord, it is for their own sakes, not for his; and he must seek their good, not his own, lest, as Aristotle says, he degenerate from a king into a tyrant. He therefore who would persuade us, that the dominion over every nation does naturally belong to one man, woman, or child, at a venture; or to the heir, whatsoever he or she be, as to age, sex, or other qualifications, must prove it good for all nations to be under them. But as reason is our nature, that can never be natural to us that is not rational. Reason gives "*paria paribus*," equal power to those who have equal abilities and merit: it allots to every one the part he is most fit to perform; and this fitness must be equally lasting with the law that allots it. But as it never can be good for great nations, having men amongst them of virtue, experience, wisdom, and goodness, to be governed by children, fools, or vicious and wicked persons: and we neither find, that the virtues required in such as deserve to govern them, did ever continue in any race of men, nor have reason to believe they ever will; it can never be reasonable to annex the dominion of a nation to any one line. We may take this upon Solomon's word, "Woe to thee, O land, when thy king is a child, and thy princes eat in the morning!"* and I wish the experience of all ages did not make this truth too evident to us. This therefore can never be the work, much less the law of nature; and if there be any such thing in the world as the dominion over a nation inseparably united to a

* Eccl. x. 16.

man and his family, it can have no other root, than a civil or municipal law, which is not the subject of our discourse.

Moreover, every father's right must cease, when he ceases to be; or be transmitted to those, who, being also fathers, have the same title to it. And though the contrary method of annexing the whole inheritance to one person, or exposing all his brethren to be destroyed by his rage, if they will not submit, may conduce to the enlargement of a proud and violent empire, as in Turkey; where he that gains the power, usually begins his reign with the slaughter of his brothers and nephews; yet it can never agree with the piety, gentleness, and wisdom, of the patriarchs, or the laws of God and nature.

These things being agreed, we need not trouble ourselves with the limits or definition of a family, and as little with the titles given to the head of it; it is all one to us, whether it be confined to one roof and fire, or extended farther; and none but such as are strangers to the practice of mankind, can think that titles of civility have a power to create a right of dominion.

Every man in Latin is called "*dominus*," unless such as are of the vilest condition, or in a great subjection to those who speak to them; and yet the word, strictly taken, relates only to "*servus*;" for a man is lord only of his servant or slave. The Italians are not less liberal of the titles of "*signore*"

and "*padrone*," and the Spaniards of "*sennor*:" but he would be ridiculous in those countries, who thereupon should arrogate to himself a right of dominion over those who are so civil. The vanity of our age seems to carry this point a little higher especially among the French, who put a great weight upon the word "prince;" but they cannot change the true signification of it; and even in their sense, "*prince du sang*" signifies no more than a chief man of the royal blood, to whom they pay much respect, because he may come to the crown; as they at Rome do to cardinals, who have the power of choosing popes, and out of whose number, for some ages, they have been chosen. In this sense did Scevola; when he was apprehended by Porsenna, say, "*Trecenti conjuravimus Romanæ juventutis principes;*"* which was never otherwise understood, than of such young citizens as were remarkable amongst their companions. And nothing can be more absurd than to think, if the name of prince had carried an absolute and despotical power with it, that it could belong to three hundred in a city, that possessed no more than a ten miles' territory; or that it could have been given to them whilst they were young, and the most part of their fathers, as is most probable, still living.

I should, like our author, run round in a circle, if I should refute what he says of a regal power in our first parents; or shew that the regal, where it is, is

* T. Liv. l. ii.

not absolute, as often as he does assert it. But, having already proved that Adam, Noah, Abraham, Isaac, Jacob, &c. enjoyed no such power; transmitted to every one of their sons that which they had; and they became fathers of many great nations, who always continued independent on each other; I leave to our author to prove when, and by what law, the right of subdividing the paternal power was stopped; and how any one or more of their descendants came to have that power over their brethren, which none of their immediate children had over theirs.

His question to Suarez, how and when sons become free, savours more of Jesuitical sophistry, than any thing said by the Jesuit; but the solution is easy: for if he mean the respect, veneration and kindness proceeding from gratitude, it ceases only with the life of the father to whom it is due, and the memory of it must last as long as that of the son; and, if they had been possessed of such an absolute power as he fancies, it must have ceased with the reasons upon which it was grounded.

First, because the power, of which a father would probably have made a wise and gentle use, could not be rightly trusted in the hands of one who is not a father; and that which tended only to the preservation of all the children, could not be turned to the increase of the pride, luxury, and violence of one, to the oppression of others, who are equally heirs.

In the second place, societies cannot be instituted, unless the heads of the families that are to compose them, resign so much of their right, as seems convenient, into the public stock, to which every one becomes subject: but that the same power should, at the same time, continue in the true father, and the figurative father, the magistrate; and that the children should owe intire obedience to the commands of both, which may often cross each other, is absurd.

Thirdly, it ceases when it cannot be executed; as when men live to see four or five generations, as many do at this day; because the son cannot tell whether he shall obey his father, grandfather, or great-grandfather, and cannot be equally subject to them all; most especially, when they live in divers places, and set up families of their own, as the sons of the patriarchs did: which being observed, I know no place where this paternal power could have any effect, unless in the fabulous island of Pines; and even there it must have ceased, when he died, who, by the inventor of the story, is said to have seen above ten thousand persons issued of his body.

And if it be said, that Noah, Shem, Abraham, &c. consented that their children should go where they thought fit, and provide for themselves; I answer, that the like has been done in all ages, and must be done forever. It is the voice of nature, obeyed, not only by mankind, but by all living

creatures; and there is none so stupid as not to understand it. A hen leaves her chickens, when they can seek their own nourishment: a cow looks after her calf no longer than till it is able to feed: a lion gives over hunting for his whelps when they are able to seek their own prey, and have strength enough to provide what is sufficient for themselves. And the contrary would be an insupportable burden to all living creatures, but especially to men; for the good order that the rational nature delights in, would be overthrown, and civil societies, by which it is best preserved, would never be established.

We are not concerned to examine, whether the political and economical powers be intirely the same, or in what they differ: for that absolute power which he contends for, is purely despotical, different from both, or rather inconsitent with either as to the same subject; and that which the patriarchs exercised, having been equally inherited by their children, and consequently by every one of their posterity, it is as much as is required for my purpose of proving the natural universal liberty of mankind; and I am no way concerned in the question, whether the first parents of mankind had a power of life and death over their children, or not.

SECTION V.

FREEMEN JOIN TOGETHER, AND FRAME GREATER OR LESSER SOCIETIES, AND GIVE SUCH FORMS TO THEM AS BEST PLEASE THEMSELVES.

THIS being established, I shall leave Filmer to fight against Suarez or Bellarmine; or to turn one of them against the other, without any concernment in the combat, or the success of it. But since he thereupon raises a question, "Whether the supreme power be so in the people, that there is but one and the same power in all the people of the world; so that no power can be granted unless all men upon the earth meet and agree to choose a governor;" I think it deserves to be answered, and I might do it by proposing a question to him: whether, in his opinion, the empire of the world doth, by the laws of God and nature, belong to one man, and who that man is? Or, how it came to be so divided, as we have ever known it to have been, without such an injury to the universal monarch as can never be repaired? But intending to proceed more candidly, and not to trouble myself with Bellarmine or Suarez, I say, that they who place the power in a multitude, understand a multitude composed of freemen, who think it for their convenience to join together, and to establish such laws and rules as they oblige themselves to observe: which multitude, whether it be great or small, has the same right, because ten men are as

free as ten millions of men; and though it may be more prudent in some cases to join with the greater than the smaller number, because there is more strength, it is not so always: but, however, every man must therein be his own judge, since if he mistake, the hurt is only to himself: and the ten may as justly resolve to live together, frame a civil society, and oblige themselves to laws, as the greatest number of men that ever met together in the world.

Thus we find that a few men, assembling together upon the banks of the Tiber, resolved to build a city and set up a government among themselves: and the multitude that met at Babylon, when their design of building a tower that should reach up to heaven failed, and their language was confounded, divided themselves, as our author says, into seventy-two parcels, and by the same right might have divided into more, as their descendants did into almost an infinite number before the death of their common father Noah. But we cannot find a more perfect picture of freemen, living according to their own will, than in Abraham and Lot; they went together into Canaan, continued together as long as was convenient for them, and parted when their substance did so increase, that they became troublesome to each other. In the like manner Ishamel, Isaac, and Abraham's six sons by Keturah, might have continued together, and made one nation; Isaac and Esau, Moab and Ammon, might have done so too; or all of them that came of the same stock might have united together; but they did not; and

their descendants by the same rule might have subdivided perpetually, if they had thought it expedient for themselves: and if the sons of Jacob did not do the like, it is probable they were kept together by the hope of an inheritance promised to them by God, in which we find no shadow of a despotical dominion, affected by one as father or heir to the first father, or reputed to be the heir; but all continued in that fraternal equality which, according to Abraham's words to Lot, they ought to do.* There was no lord, slave or vassal; no strife was to be among them: they were brethren; they might live together, or separate, as they found it convenient for themselves. By the same law that Abraham and Lot, Moab and Ammon, Ishmael, Isaac, and the sons of Keturah, Jacob, Esau, and their descendants, did divide, and set up several governments, every one of their children might have done the like: and the same right remained to their issue, till they had by agreement engaged themselves to each other. But if they had no dependance upon each other, and might live together in that fraternal equality which was between Abraham and Lot; or separate, and continue in that separation, or re-unite; they could not but have a right of framing such conditions of their re-union as best pleased themselves. By this means every number of men, agreeing together, and framing a society, became a complete body, having all power in themselves over themselves, subject to no other human law than their own. All those that compose the society, being equally free to enter into

* Gen. xiii.

it or not, no man could have any prerogative above others, unless it were granted by the consent of the whole; and nothing obliging them to enter into this society, but the consideration of their own good; that good, or the opinion of it, must have been the rule, motive, and end of all that they did ordain. It is lawful therefore for any such bodies to set up one or a few men to govern them, or to retain the power in themselves; and he or they who are set up, having no other power but what is conferred upon them by that multitude, whether great or small, are truly by them made what they are; and by the law of their own creation, are to exercise those powers according to the proportion, and to the ends for which they were given.

These rights, in several nations and ages, have been variously executed in the establishment of monarchies, aristocracies, democracies, or mixed governments, according to the variety of circumstances; and the governments have been good or evil, according to the rectitude or pravity of their institution, and the virtue and wisdom, or the folly and vices of those to whom the power was committed: but the end which was ever proposed, being the good of the public, they only performed their duty who procured it according to the laws of the society, which were equally valid as to their own magistrates, whether they were few or many.

This might suffice to answer our author's question; but he endeavours further to perplex it, by a

fiction of his own brain, "That God gave this power to the whole multitude met, and not to every particular assembly of men:" and expects a proof, "That the whole multitude met, and divided this power which God gave them in gross, by breaking it into parcels, and by appointing a distinct power to each commonwealth." He also fathers it upon the asserters of liberty; "and does not see," as he says, "how there can be an election of a magistrate by any commonwealth, that is not an usurpation upon the privilege of the whole world, unless all mankind had met together and divided the power into parcels which God had given them in gross." But before I put myself to the trouble of answering that which is but an appendix to a whimsy of his own, I may justly ask, what hurt he finds in usurpation, who asserts, that the same obedience is due to all monarchs, whether they come in by inheritance, election, or usurpation? If usurpation can give a right to a monarch, why does it not confer the same upon a people? or rather, if God did in gross confer such a right upon all mankind, and they neither did nor can meet together by consent to dispose of it for the good of the whole; why should not those who can and do consent to meet together, agree upon that which seems most expedient to them for the government of themselves? Did God create man under the necessity of wanting government, and all the good that proceeds from it; because at the first all did not, and afterwards all could not meet to agree upon rules? Or did he ever declare, that unless they should use the first opportunity of dividing themselves into such

parcels as were to remain unalterable, the right of reigning over every one shall fall to the first villain that should dare to attempt it? Is it not more consonant to the wisdom and goodness of God, to leave to every nation a liberty of repairing the mischiefs fallen upon them through the omission of their first parents, by setting up governments among themselves, than to lay them under a necessity of submitting to any that should insolently aspire to a domination over them? Is it not more just and reasonable to believe, that the universal right not being executed, devolves upon particular nations, as members of the great body, and that it should become the reward of violence or fraud? Or, is it possible that any one man can make himself lord of a people, or parcel of that body, to whom God had given the liberty of governing themselves, by any other means than violence or fraud, unless they did willingly submit to him? If this right be not devolved upon any one man, is not the invasion of it the most outrageous injury that can be done to all mankind, and most particularly to the nation that is enslaved by it? Or if the justice of every government depends necessarily upon an original grant, and a succession certainly deduced from our first fathers, does not he by his own principles condemn all the monarchies of the world, as the most detestable usurpations, since not one of them that we know do any way pretend to it? Or, though I who deny any power to be just that is not founded upon consent, may boldly blame usurpation, is it not an absurd and unpardonable impudence in Filmer, to condemn usurpation in a people, when he

has declared that the right and power of a father may be gained by usurpation; and that nations in their obedience are to regard the power, not the means by which it was gained? But not to lose more time upon a most frivolous fiction, I affirm, that the liberty which we contend for is granted by God to every man in his own person, in such a manner as may be useful to him and his posterity, and as it was exercised by Noah, Shem, Abraham, Isaac, Jacob, &c. and their children, as has been proved, and not to the vast body of all mankind, which never did meet together since the first age after the flood, and never could meet to receive any benefit by it.

His next question deserves scorn and hatred, with all the effects of either, if it proceed from malice; though perhaps he may deserve compassion, if his crime proceed from ignorance. "Was a general meeting of a whole kingdom," says he, "ever known for the election of a prince?" But if there never were any general meetings of whole nations, or of such as they did delegate and entrust with the power of the whole, how did any man that was elected come to have a power over the whole? Why may not a people meet to chuse a prince, as well as any other magistrate? Why might not the Athenians, Romans, or Carthaginians, have chosen princes as well as archons, consuls, dictators, or suffetes, if it had pleased them? Who chose all the Roman kings, except Tarquin the Proud, if the people did not; since their histories testify, that he was the first who took upon him to reign "*sine jussu populi*?"* Who

* T. l. v. l. i.

ever heard of a king of the Goths in Spain, that was not chosen by the nobility and people? Or, how could they chuse him, if they did not meet in their persons, or by their deputies, which is the same thing, when a people had agreed it should be so? How did the kings of Sweden come by their power, unless by the like election, till the crown was made hereditary, in the time of Gustavus the 1st, as a reward of his virtue and service in delivering that country from the tyranny of the Danes? How did Charles Gustavus come to be king, unless it was by the election of the nobility? He acknowledged by the act of his election and upon all occasions, that he had no other right to the crown than what they had conferred on him. Did not the like custom prevail in Hungary and Bohemia, till those countries fell under the power of the house of Austria? and in Denmark till the year 1660? Do not the kings of Poland derive their authority from this popular election, which he derides? Does not the stile of the oath of allegiance used in the kingdom of Arragon, as it is related by Antonio Perez secretary of state to Philip 2d, shew that their kings were of their own making? Could they say, "We who are as good as you, make you our king, on condition that you keep and observe our privileges and liberties; and if not, not;"* if he did not come in by their election?

* Nos que valemos tanto come vos, os hazemos nuestro rev, con tal que nos guardeys nuestros fueros y libertades, y sino, no. Relacion. de Ant. Perez.

Were not the Roman emperors in disorderly times chosen by the soldiers; and in such as were more regular, by the senate with the consent of the people?

Our author may say, the whole body of these nations did not meet at their elections; though that is not always true: for in the infancy of Rome, when the whole people dwelt within the walls of a small city, they did meet for the choice of their kings, as afterwards for the choice of other magistrates. Whilst the Goths, Franks, Vandals, and Saxons, lived within the precincts of a camp, they frequently met for the election of a king, and raised upon a target the person they had chosen: but, finding that to be inconvenient, or rather impossible, when they were vastly increased in number, and dispersed over all the countries they had conquered, no better way was found, than to institute "*gemotes*, *parliaments*, *diets*, *cortez*, *assemblies of estates*," or the like, to do that which had formerly been performed by themselves; and when a people is, by mutual compact, joined together in a civil society, there is no difference, as to right, between that which is done by them all in their own persons, or by some deputed by all, and acting according to the power received from all.

If our author was ignorant of these things, which are the most common in all histories, he might have spared the pains of writing upon more abstruse points; but it is a stupendous folly in him to presume to raise doctrines depending upon the universal

law of God and nature, without examining the only law that ever God did, in a public manner, give to man. If he had looked into it, he might have learnt that all Israel was, by the command of God, assembled at Mizpeh to chuse a king, and did chuse Saul:* he being slain, all Judah came to Hebron, and made David their king:† after the death of Ishbosheth, all the tribes went to Hebron, and anointed him king over them, and he made a covenant with them before the Lord.‡ When Solomon was dead, all Israel met together in Shechem; and ten tribes, disliking the proceedings of Rehoboam, rejected him, and made Jeroboam their king.§ The same people, in the time of the judges, had general assemblies, as often as occasion did require, to set up a judge, to make war or the like: and the several tribes had their assemblies to treat of businesses relating to themselves. The histories of all nations, especially of those that have peopled the best parts of Europe, are so full of examples of this kind, that no man can question them, unless he be brutally ignorant, or maliciously contentious. The great matters among the Germans were transacted "*omnium consensu. De minoribus consultant principes; de majoribus omnes.*"‖ The "*michelgemote*" among the Saxons was an assembly of the whole people: the "*baronagium*" is truly said to be the same, in as much as it comprehended all the freemen, that is, all the people; for the difference be-

* 1 Sam. x. † 2 Sam. ii. ‡ 2 Sam. v.
§ 1 Kings xii. ‖ C. Tacit. de mor. Germ.

tween "*civis*" and "*servus*" is irreconcilable; and no man, whilst he is a servant, can be a member of the commonwealth; for he that is not in his own power, cannot have a part in the government of others. All the forementioned northern nations had the like customs among them: the governments they had were so insituted. The utmost that any now remaining pretends to, is, to derive their right from them; if, according to Filmer, these first assemblies could not confer it upon the first, they had none; such as claim under them, can inherit none from those that had none; and there can be no right in all the governments we so much venerate; and nothing can tend more to their overthrow than the reception of our author's doctrine.

Though any one instance would be sufficient to overthrow his general negative proposition (for a rule is not generally true, if there be any just exception against it) I have alledged many, and find it so easy to increase the number, that there is no nation, whose original we know, out of whose histories I will not undertake to produce the like: but I have not been solicitous precisely to distinguish which nations have acted in their own persons, and which have made use of delegates; nor in what times they have changed from one way to the other; for, if any have acted by themselves, the thing is possible; and whatsoever is done by delegated powers, must be referred to their principals; for none can give to any a power which they have not in themselves.

He is graciously pleased to confess, that "when men are assembled by a human power, that power that doth assemble them, may also limit the manner of the execution of that power, &c. But in assemblies that take their authority from the law of nature, it is not so; for what liberty or freedom is due to any man by the law of nature, no inferior power can alter, limit, or diminish: no one man, or multitude of men, can give away the natural right of another, &c." These are strong lines, and such as, if there be any sense in them, utterly overthrow all our author's doctrine; for if any assembly of men did ever take their authority from the law of nature, it must be of such as, remaining in the intire fruition of their natural liberty, and restrained by no contract, meet together to deliberate of such matters as concern themselves; and if they can be restrained by no one man, or number of men, they may dispose of their own affairs as they think fit. But because no one of them is obliged to enter into the society that the rest may constitute, he cannot enjoy the benefit of that society unless he enter into it: he may be gone, and set up for himself or set up another with such as will agree with him. But if he enter into the society, he is obliged by the laws of it; and if one of those laws be, that all things should be determined by the plurality of voices, his assent is afterwards comprehended in all the resolutions of that plurality. Reuben or Simeon might, according to the laws of nature, have divided themselves from their brethren, as well as Lot from Abraham, or Ishmael and the sons of Keturah from Isaac;

but when they, in hopes of having a part in the inheritance promised to their fathers, had joined with their brethren, a few of their descendants could not have a right, by their dissent, to hinder the resolutions of the whole body, or such a part of it as by the first agreement was to pass for an act of the whole. And the scripture teaches us, that when the lot was fallen upon Saul, they who despised him were stiled "men of Belial;"* and the rest, after his victory over the Ammonites, would have slain them, if he had permitted. In the like manner, when a number of men met together to build Rome, any man who had disliked the design might justly have refused to join in it; but when he had entered into the society, he could not by his vote invalidate the acts of the whole, nor destroy the rights of Romulus, Numa, and the others, who by the senate and people were made kings; nor those of the other magistrates, who after their expulsion were legally created.

This is as much as is required to establish the natural liberty of mankind in its utmost extent, and cannot be shaken by our author's surmise. "That a gap is thereby opened for every seditious multitude to raise a new commonwealth:" for till the commonwealth be established, no multitude can be seditious, because they are not subject to any human law; and sedition implies an unjust and disorderly opposition of that power which is legally established; which

* 1 Sam. x.

cannot be when there is none, nor by him who is not a member of the society that makes it: and when it is made, such as entered into it are obliged to the laws of it.

This shewing the root and foundation of civil powers, we may judge of the use and extent of them, according to the letter of the law, or the true intentional meaning of it; both which declare them to be purely human ordinances, proceeding from the will of those who seek their own good; and may certainly infer, that since all multitudes are composed of such as are under some contract, or free from all, no man is obliged to enter into those contracts against his own will, nor obliged by any to which he does not assent: those multitudes that enter into such contracts, and thereupon form civil societies, act according to their own will: those that are engaged in none, take their authority from the law of nature; their rights cannot be limited or diminished by any one man, or number of men; and consequently whoever does it, or attempts the doing of it, violates the most sacred laws of God and nature.

His cavils concerning proxies, and the way of using them, deserve no answer, as relating only to one sort of men amongst us, and can have no influence upon the laws of nature, or the proceedings of assemblies, acting according to such rules as they set to themselves. In some places they have voted all together in their own persons, as in Athens: in

others by tribes, as in Rome: sometimes by delegates, when the number of the whole people is so great that no one place can contain them, as in the parliaments, diets, general assemblies of estates, long used in the great kingdoms of Europe. In other parts many cities are joined together in leagues, as anciently the Achaians, Etolians, Samnites, Tuscans; and in these times the states of Holland, and cantons of Switzerland: but our author, not regarding such matters, in pursuance of his folly, with an ignorance as admirable as his stupidity, repeats his challenge: "I ask," says he, "but one example out of the history of the world; let the commonwealth be named, wherever the multitude, or so much as the major part of it, consented either by voice or procuration to the election of a prince;" not observing, that if an answer could not be given, he did overthrow the rights of all the princes that are, or ever have been in the world; for if the liberty of one man cannot be limited or diminished by one, or any number of men, and none can give away the right of another, it is plain, that the ambition of one man, or of many, a faction of citizens, or the mutiny of an army, cannot give a right to any over the liberties of a whole nation. Those who are so set up, have their root in violence or fraud, and are rather to be accounted robbers and pirates, than magistrates.* Leonis Africanus, observing in his history, that since the extinction of Mahomet's race (to whom his countrymen thought God had given the empire of the

* Leonis Afr. hist. Africæ.

world) their princes did not come in by the consent of those nations which they governed, says, that they are esteemed thieves; and that on this account the most honourable men among the Arabians and Moors scorn to eat, drink, or make alliances with them; and if the case were as general as that author makes it, no better rule could be any where followed by honourable and worthy men. But a good cause must not be lost by the fault of an ill advocate; the rights of kings must not perish, because Filmer knows not how to defend, or does maliciously betray them. I have already proved that David, and divers of the judges, were chosen by all Israel; Jeroboam by ten tribes; all the kings of Rome, except Tarquin the Proud, by the whole city. I may add many examples of the Saxons in our own country: Ina and Offa were made kings, "*omnium consensu:*"* these all are expressed plainly by the words, "*archiepiscopis, episcopis, abbatibus, senatoribus, ducibus, & populo terræ.*"† Egbert and Ethelward came to the crown by the same authority, "*Omnium consensu rex creatur.*"‡ Ethelwolf the monk "*necessitate cogente, factus est rex, & consensus publicus in regem dari petiit.*"§ Ethelstan, though a bastard, "*electus est magno consensu optimatum, et a populo consalutatas.*"‖ In the like manner, Edwin's government being disliked, they chose Edgar, "*unanimi omnium conspiratione, Ed-*

* Mat. Paris. † Guil. Malms. ‡ Polyd.
§ Polyd. Huntingd. ‖ Mat. West.

*wino dejecto, eligerunt, Deo dictante, Edgarum in regem, & annuente populo :"** and in another place, "*Edgarus ab omni Anglorum populo electus est.*"† Ironside being dead, Canutus was received by the general consent of all; "*Juraverunt illi quod eum regem sibi eligere vellent : fœdus etiam cum principibus & omni populo ipse, & illi cum ipso percusserunt.*"‡ Whereupon, "*Omnium consensu super totam Angliam Canutus coronatur. Hardicanutus gautenter ab omnibus suscipitur, & electus est.*"§ The same author says, that Edward the Confessor, "*electus est in regem ab omni populo :*" and another, "*Omnium electione in Edwardum concordatur.*" Though the name of "Conqueror" be odiously given to William the Norman, he had the same title to the crown with his predecessors: "*In magna exultatione a clero & populo susceptus, & ab omnibus rex acclamatus.*" I cannot recite all the examples of this kind, that the history of almost all nations furnishes, unless I should make a volume in bulk not inferior to the book of martyrs: but those which I have mentioned out of the sacred, Roman, and English history, being more than sufficient to answer our author's challenge, I take liberty to add, that though there could not be one example produced of a prince, or any other magistrate, chosen by the general consent of the people, or by the major part of them, it could be of no advantage to the cause he has undertaken to maintain: for when a people had either in-

* Hoveden. † Florent. ‡ Abbas Croyl. Huntingd. § Ingulf.

definitely, or under certain conditions and limitations, resigned their power into the hands of a certain number of men; or agreed upon rules, according to which persons should, from time to time, be deputed for the management of their affairs; the acts of those persons, if their power be without restrictions, are of the same value as the acts of the whole nation, and assent of every individual man is comprehended in them. If the power be limited, whatsoever is done according to that limitation, has the same authority. If it do therefore appear (as is testified by the laws and histories of all our northern nations) that the power of every people is either wholly, or to such a degree as is necessary for creating kings, granted to their several gemotes, diets, cortez, assemblies of estates, parliaments, and the like, all the kings that they have any where, or at any time chosen, do reign by the same authority, and have the same right, as if every individual man of those nations had assented to their election. But that these gemotes, diets, and other assemblies of state, have every where had such powers, and executed them by rejecting or setting up kings; and that the kings now in being among us have received their beginning from such acts, has been fully proved, and is so plain in itself, that none but those who are grossly stupid or impudent can deny it: which is enough to shew that all kings are not set up by violence, deceit, faction of a few powerful men, or the mutinies of armies; but from the consent of such multitudes as, joining together, frame civil societies; and either in their own persons at general assemblies, or by their delegates,

confer a just and legal power upon them; which our author rejecting, he does, as far as in him lies, prove them all to be usurpers and tyrants.

SECTION VI.

THEY WHO HAVE A RIGHT OF CHOOSING A KING, HAVE THE RIGHT OF MAKING A KING.

THOUGH the right of magistrates do essentially depend upon the consent of those they govern, it is hardly worth our pains to examine, "whether the silent acceptation of a governor by part of the people be an argument of their concurring in the election of him; or by the same reason the tacit consent of the whole commonwealth may be maintained:" for when the question is concerning right, fraudulent surmises are of no value; much less will it from thence follow, "that a prince commanding by succession, conquest, or usurpation, may be said to be elected by the people;" for evident marks of dissent are often given: some declare their hatred; others murmur more privately; many oppose the governor or government, and succeed according to the measure of their strength, virtue, or fortune. Many would resist, but cannot; and it were ridiculous to say, that the inhabitants of Greece, the kingdom of Naples, or dutchy of Tuscany, do tacitly

assent to the government of the Great Turk, king of Spain, or duke of Florence; when nothing is more certain than that those miserable nations abhor the tyrannies they are under; and if they were not mastered by a power that is much too great for them, they would soon free themselves. And those who are under such governments do no more assent to them, though they may be silent, than a man approves of being robbed, when, without saying a word, he delivers his purse to a thief that he knows to be too strong for him.

It is not therefore the bare sufferance of a government when a disgust is declared, nor a silent submission when the power of opposing is wanting, that can imply an assent or election, and create a right; but an explicit act of approbation, when men have ability and courage to resist or deny. Which being agreed, it is evident that our author's distinction between "*eligere*" and "*instituere*" signifies nothing: though, if the power of instituting were only left to nations, it would be sufficient; for he is in vain elected who is not instituted; and he that is instituted is certainly elected; for his institution is an election. As the Romans, who chose Romulus, Numa, and Hostilius, to be kings, and Brutus, Valerius, or Lucretius, to be consuls, did make them so, and their right was solely grounded upon their election. The text brought by our author against this doth fully prove it; "Him shalt thou set king over thee, whom the Lord shall choose."*

* Deut. xvii.

For God did not only make the institution of a king to be purely an act of the people, but left it to them to institute one or not, as should best please themselves; and the words, "whom the Lord shall choose," can have no other signification, than that the people resolving to have a king, and following the rules prescribed by his servant Moses, he would direct them in their choice; which relates only to that particular people in covenant with God, and immediately under his government, which no other was. But this pains might have been saved, if God by a universal law had given a rule to all. The Israelites could not have been three hundred years without a king, and then left to the liberty of making one, or not, if he by a perpetual law had ordained, that every nation should have one; and it had been as well impertinent as unjust to deliberate who should be king, if the dominion had by right of inheritance belonged to one; they must have submitted to him whether they would or not: no care was to be taken in the election or institution of him, who by his birth had a right annexed to his person that could not be altered: he could not have been forbidden "to multiply silver or gold," who by the law of his creation might do what he pleased: it had been ridiculous to say, "he should not raise his heart above his brethren," who had no brethren, that is, no equals; but was raised above all by God, who had imposed upon all others a necessity of obeying him. But God, who does nothing in vain, did neither constitute or elect any till they desired it, nor command them to do it themselves, unless it so

pleased themselves; nor appoint them to take him out of any one line: every Israelite might be chosen: none but strangers were excluded; and the people were left to the liberty of choosing and instituting any one of their brethren.

Our author, endeavouring by Hooker's authority to establish his distinction between "*eligere*" and "*instituere*," destroys it, and the paternal right, which he makes the foundation of his doctrine. "Heaps of scripture are alledged," says he, "concerning the solemn coronation and inauguration of Saul, David, Solomon, and others, by nobles, ancients, and people of the commonwealth of Israel:" which is enough to prove that the whole work was theirs; that no other had any title more than what they bestowed upon him: that kings were set up by the nobles, ancients, and people: even God did no otherwise intervene than by such a secret disposition of the lots by his providence, as is exercised in the government of all the things in the world; and we cannot have a more certain evidence, that a paternal right to dominion is a mere whimsy, than that God did not cause the lot to fall upon the eldest, of the eldest line, of the eldest tribe; but upon Saul, a young man, of the youngest tribe: and afterwards, though he had designed David, Solomon, Jeroboam, and others, who had no pretence to the paternal right, to be kings, he left both the election and institution of them to the elders and people.

But Hooker being well examined, it will appear

that his opinions were as contrary to the doctrine of our author, as those we have mentioned out of Plato and Aristotle.* He plainly says, "It is impossible that any should have a complete lawful power over a multitude consisting of so many families, as every politic society doth, but by consent of men, or immediate appointment from God: because not having the natural superiority of fathers, their power must needs be usurped, and then unlawful; or if lawful, then either granted or consented unto by them over whom they exercise the same, or else given extraordinarily by God." And though he thinks kings to have been the first governors so constituted, he adds, "That this is not the only regiment that hath been received in the world. The inconveniences of one kind have caused sundry others to be devised. So that in a word, all public regiment, of what kind soever, seemeth evidently to have risen from deliberate advice, consultation, and composition between men, judging it convenient and behoofeful." And a little below, "Man's nature standing therefore as it doth, some kind of regiment the law of nature doth require; yet the kinds thereof being many, nature tieth not to any one, but leaveth the choice as a thing arbitrary." And again, "To live by one man's will, became all men's misery: this constrained them to come unto laws, &c. But as those laws do not only teach that which is good, but enjoin it, they have in them a constraining force. To constrain men to any thing inconvenient seemeth un-

* Hooker, Eccl. Pol. l. i. c. 10.

reasonable: most requisite therefore it is that to devise laws which all men should be forced to obey, none but wise men should be admitted. Moreover, that which we say concerning the power of government must here be applied unto the power of making laws, whereby to govern; which power God hath over all; and by the natural law, whereunto he hath made all subject, the lawful power of making laws to command whole politic societies of men belongeth so properly unto the same intire societies, that for any prince or potentate, of what kind soever upon earth, to exercise the same of himself, and not either by express commission immediately from God, or else by authority derived at the first from their consent, upon whose persons they impose laws, it is no better than mere tyranny. Laws therefore they are not, which public consent hath not made so." The humour of our age considered, I should not have dared to say so much; but if Hooker be a man of such great authority, I cannot offend in transcribing his words, and shewing how vilely he is absurd by Filmer; concluding, that if he be in the right, the choice and constitution of government, the making of laws, coronation, inauguration, and all that belongs to the chusing and making of kings, or rather magistrates, is merely from the people; and that all power exercised over them which is not so, is usurpation and tyranny, unless it be by an immediate commission from God; which, if any man has, let him give testimony of it, and I will confess he comes not within the reach of our reason-

ings, but ought to be obeyed by those to whom he is sent, over whom he is placed.

Nevertheless our author is of another opinion; but scorning to give us a reason, he adds to Hooker's words, "As if these solemnities were a kind of deed, whereby the right of dominion is given; which strange, untrue, and unnatural conceits are set abroad by seedsmen of rebellion;" and a little farther, "Unless we will openly proclaim defiance to all law, equity, and reason, we must say (for there is no remedy) that in kingdoms hereditary, birth-right giveth a right unto sovereign dominion, &c. Those solemnities do either serve for an open testification of the inheritor's right, or belong to the form of inducing him into the possession." These are bold censures, and do not only reach Mr. Hooker, whose modesty and peaceableness of spirit is no less esteemed than his learning; but the scriptures also, and the best of human authors, upon which he founded his opinions. But why should it be thought a strange, untrue, or unnatural conceit, to believe that when the scriptures say Nimrod was the first that grew powerful in the earth long before the death of his fathers, and could consequently neither have a right of dominion over the multitude met together at Babylon, nor subdue them by his own strength, he was set up by their consent; or that they who made him their governor, might prescribe rules by which he should govern? Nothing seems to me less strange, than that a multitude of reasonable creatures, in the performance of acts of the greatest

importance, should consider why they do them. And the infinite variety which is observed in the constitution, mixture, and regulation of governments, does not only shew that the several nations of the world have considered them, but clearly prove that all nations have perpetually continued in the exercise of that right. Nothing is more natural than to follow the voice of mankind: the wisest and best have ever employed their studies in forming kingdoms and commonwealths, or in adding to the perfections of such as were already constituted; which had been contrary to the laws of God and nature, if a general rule had been set, which had obliged all to be forever subject to the will of one; and they had not been the best but the worst of men who had departed from it. Nay, I may say, that the law given by God to his peculiar people, and the commands delivered by his servants in order to it, or the prosecution of it, had been contrary to his own eternal and universal law; which is impossible. A law therefore having been given by God, which had no relation to, or consistency with, the absolute paternal power; judges and kings created, who had no pretence to any preference before their brethren, till they were created, and commanded not to raise their hearts above them when they should be created; the wisdom and virtue of the best men, in all ages, shewn in the constitution or reformation of governments; and nations in variously framing them, preserving the possession of their natural right to be governed by none, and in no other way than they should appoint. The opinion of Hooker, "That all

public regiment, of what kind soever, ariseth from the deliberate advice of men seeking their own good, and that all other is mere tyranny," are not "untrue and unnatural conceits set abroad" by the seedsmen of "rebellion;" but real truths, grounded upon the laws of God and nature, acknowledged and practised by mankind. And no nation being justly subject to any but such as they set up, nor in any other manner than according to such laws as they ordain, the right of chusing and making those that are to govern them, must wholly depend upon their will.

SECTION VII.

THE LAWS OF EVERY NATION ARE THE MEASURE OF MAGISTRATICAL POWER.

Our author lays much weight upon the word hereditary; but the question is, What is inherited in an hereditary kingdom, and how it comes to be hereditary? It is in vain to say "the kingdom;" for we do not know what he means by the kingdom: it is one thing in one place, and very different in others; and I think it not easy to find two in the world that in power are exactly the same. If he understand all that is comprehended within the precincts over which it reaches, I deny that any such is to be found in the

world: if he refer to what preceding kings enjoyed, no determination can be made, till the first original of that kingdom be examined, that it may be known what that first king had, and from whence he had it.

If this variety be denied, I desire to know whether the kings of Sparta and Persia had the same power over their subjects; if the same, whether both were absolute, or both limited; if limited, how came the decrees of the Persian kings to pass for laws? If absolute, how could the Spartan kings be subject to fines, imprisonment, or the sentence of death; and not to have power to send for their own supper out of the common hall? Why did Xenophon call Agesilaus a good and faithful king, obedient to the laws of his country, when, upon the command of the ephori, he left the war that he had with so much glory begun in Asia, if he was subject to none? How came the ephori to be established to restrain the power of kings, if it could no way be restrained, if all owed obedience to them, and they to none? Why did Theopompus' wife reprove him for suffering his power to be diminished by their creation, if it could not be diminished? Or why did he say he had made the power more permanent in making it less odious, if it was perpetual and unalterable. We may go farther, and taking Xenophon and Plutarch for our guides, assert that the kings of Sparta never had the powers of war or peace, life and death, which our author esteems inseparable from regality, and conclude either that no king has them, or that all kings are not alike in power. If they are not in all

places the same, kings do not reign by an universal law, but by the particular laws of each country; which give to every one so much power, as in the opinion of the givers conduces to the end of their institution, which is the public good.

It may be also worth our inquiry how this inherited power came to be hereditary. We know that the sons of Vespasian and Constantine inherited the Roman empire, though their fathers had no such title; but, gaining the empire by violence, which Hooker says is mere tyranny that can create no right, they could devolve none to their children. The kings of France of the three races have inherited the crown; but Meroveus, Pepin, and Hugh Capet, could neither pretend title nor conquest, or any other right than what was conferred upon them by the clergy, nobility, and people; and consequently whatsoever is inherited from them can have no other original; for that is the gift of the people which is bestowed upon the first, under whom the successors claim, as if it had been by a peculiar act given to every one of them. It will be more hard to shew how the crown of England is become hereditary, unless it be by the will of the people; for though it were granted, that some of the Saxon kings came in by inheritance (which I do not, having, as I think, proved them to have been absolutely elective) yet William the Norman did not, for he was a bastard, and could inherit nothing. William, Rufus and Henry did not; for their elder brother Robert, by right of inheritance ought to have been preferred before them: Stephen

and Henry the 2d did not; for Maud the only heiress of Henry the 1st was living when both were crowned: Richard and John, who followed, did not; for they were bastards, born in adultery. They must therefore have received their right from the people, or they could have none at all; and their successors fall under the same condition.

Moreover, I find great variety in the deduction of this hereditary right. In Sparta there were two kings of different families, endowed with an equal power. If the Heraclidæ did reign as fathers of the people, the Æacidæ did not; if the right was in the Æacidæ, the Heraclidæ could have none; for it is equally impossible to have two fathers, as two thousand. It is in vain to say that two families joined, and agreed to reign jointly: for it is evident the Spartans had kings before the time of Hercules or Achilles, who were the fathers of the two races. If it be said, that the regal power with which they were invested did intitle them to the right of fathers, it must in like manner have belonged to the Roman consuls, military tribunes, dictators, and pretors; for they had more power than the Spartan kings; and that glorious nation might change their fathers every year, and multiply or diminish the number of them as they pleased. If this be most ridiculous and absurd, it is certain that the name and office of king, consul, dictator, or the like, does not confer any determined right upon the person that hath it: every one has a right to that which is alloted to him by the laws of the country by which he is created.

As the Persians, Spartans, Romans, or Germans, might make such magistrates, and under such names, as best pleased themselves, and accordingly enlarge or diminish their power; the same right belongs to all nations; and the rights due unto, as well as the duties incumbent upon, every one, are to be known only by the laws of that place. This may seem strange to those who know neither books nor things, histories nor laws; but is well explained by Grotius; who denying the sovereign power to be annexed to any man, speaks of divers magistrates under several names that had, and others that under the same names had it not; and distinguishes those who have the "*summum imperium summo modo*," from those who have it "*modo non summo*:"* and though probably he looked upon the first sort as a thing merely speculative, if by that "*summo modo*" a right of doing what one pleases be understood; yet he gives many examples of the other; and among those who had "*liberrimum imperium*," if any had it, he names the kings of the Sabeans; who nevertheless were under such a condition, that though they were, as Agatharchidas reports, obeyed in all things, whilst they continued within the walls of their palace, might be stoned by any that met them without it. He finds also another obstacle to the absolute power, "*cum rex partem habeat summi imperii, partem senatus, sive populus;*" which parts are proportioned according to the laws of each kingdom, whether hereditary or elective, both being equally regulated by them.

* Grot. de jur. bel. & pac. l. i. c. 1.

The law that gives and measures the power, prescribes rules how it should be transmitted. In some places the supreme magistrates are annually elected, in others their power is for life; in some they are merely elective, in others hereditary, under certain rules or limitations. The ancient kingdoms and lordships of Spain were hereditary; but the succession went ordinarily to the eldest of the reigning family, not to the nearest in blood. This was the ground of the quarrel between Corbis the brother, and Orsua the son of the last prince, decided by combat before Scipio.* I know not whether the Goths brought that custom with them when they conquered Spain, or whether they learnt it from the inhabitants; but certain it is, that, keeping themselves to the families of the Balthei and Amalthei, they had more regard to age than proximity;† and almost ever preferred the brother, or eldest kinsman of the last king before his son. The like custom was in use among the Moors in Spain and Africa, who, according to the several changes that happened among the families of Almohades, Almoranides, and Benemerini, did always take one of the reigning blood; but in the choice of him had most respect to age and capacity.‡ This is usually called the law of thanestry; and, as in many other places, prevailed also in Ireland, till that country fell under the English government.

* C. Liv. l. xxviii. c. 21. † Saavedra corona Gothica.
‡ Marian. hist. Hispan.

In France and Turkey the male that is nearest in blood succeeds, and I do not know of any deviation from that rule in France, since Henry the 1st was preferred before Robert his elder brother, grandchild to Hugh Capet: but, notwithstanding the great veneration they have for the royal blood, they utterly exclude females, lest the crown should fall to a stranger; or a woman, that is seldom able to govern herself, should come to govern so great a people. Some nations admit females, either simply, as well as males; or under a condition of not marrying out of their country, or without the consent of the estates, with an absolute exclusion of them and their children if they do; according to which law, now in force among the Swedes, Charles Gustavus was chosen king, upon the resignation of queen Christina, as having no title; and the crown settled upon the heirs of his body, to the utter exclusion of his brother Adolphus, their mother having married a German. Though divers nations have differently disposed their affairs; all those that are not naturally slaves, and like to beasts, have preferred their own good before the personal interests of him that expects the crown, so as upon no pretence whatever to admit of one who is evidently guilty of such vices as are prejudicial to the state. For this reason the French, though much addicted to their kings, rejected the vile remainders of Meroveus his race, and made Pepin, the son of Charles Martel, king: and when his descendants fell into the like vices, they were often deposed, till at last they were wholly rejected, and the crown given to Capet and to

his heirs male, as formerly. Yet for all this, Henry his grandchild, being esteemed more fit to govern, than his elder brother Robert was, as is said before, made king, and that crown still remains in his descendants; no consideration being had of the children of Robert who continued dukes of Burgundy during the reigns of ten kings. And, in the memory of our fathers, Henry of Navarre was rejected by two assemblies of the estates because he differed in religion from the body of the nation, and could never be received as king, till he had renounced his own, though he was certainly the next in blood; and that, in all other respects, he excelled in those virtues which they most esteem.

We have already proved, that our own history is full of the like examples; and might enumerate a multitude of others, if it were not too tedious: and as the various rules, according to which all the hereditary crowns of the world are inherited, shew, that none is set by nature, but that every people proceeds according to their own will; the frequent deviations from those rules do evidently testify, that "*salus populi est lex suprema;*" and that no crown is granted otherwise, than in submission to it.

But though there were a rule, which in no case ought to be transgressed, there must be a power of judging to whom it ought to be applied. It is perhaps hard to conceive one more precise than that of France, where the eldest legitimate male in the direct line is preferred; and yet that alone is not

sufficient. There may be bastardy in the case: bastards may be thought legitimate, and legitimate sons bastards. The children born of Isabel of Portugal, during her marriage with John the 3d of Castile, were declared bastards; and the title of the house of Austria to that crown depends upon that declaration. We often see, that marriages which have been contracted, and for a long time taken to be good, have been declared null; and the legitimation of the present king of France is founded solely upon the abolition of the marriage of Henry the 4th with Marguerite of Valois, which for the space of twenty-seven years was thought to have been good. Whilst Spain was divided into five or six kingdoms, and the several kings linked to each other, by mutual alliances, incestuous marriages were often contracted, and upon better consideration annulled; many have been utterly void, through the pre-engagement of one of the parties. These are not feigned cases, but such as happen frequently; and the diversity of accidents, as well as the humours of men, may produce many others, which would involve nations in the most fatal disorders, if every one should think himself obliged to follow such a one who pretended a title, that to him might seem plausible, when another should set up one as pleasing to others, and there were no power to terminate those disputes to which both must submit, but the decision must be left to the sword.

This is that which I call the application of the rule, when it is as plain and certain as human wis-

dom can make it: but if it be left more at large, as where females inherit, the difficulties are inextricable: and he that says, the next heir is really king when one is dead, before he be so declared by a power that may judge of his title, does, as far as in him lies, expose nations to be split into the most desperate factions, and every man to fight for the title which he fancies to be good, till he destroy those of the contrary party, or be destroyed by them. This is the blessed way proposed by our author to prevent sedition: but God be thanked, our ancestors found a better. They did not look upon Robert the Norman as king of England after the death of his father; and when he did proudly endeavour, on pretence of inheritance, to impose himself upon the nation, that thought fit to prefer his younger brothers before him, he paid the penalty of his folly, by the loss of his eyes and liberty. The French did not think the grandchild of Pharamond to be king after the death of his father, nor seek who was the next heir of the Merovingian line, when Chilperic the 3d was dead; nor regard the title of Charles of Lorrain after the death of his brother Lothair, or of Robert of Burgundy eldest son of king Robert; but advanced Meroveus, Pepin, Capet, and Henry the 1st, who had no other right than what the nobility and people bestowed upon them. And if such acts do not destroy the pretences of all who lay claim to crowns by inheritance, and do not create a right, I think it will be hard to find a lawful king in the world, or that there ever have been any; since the first did plainly come in like Nimrod; and those

who have been every where since histories are known to us, owed their exultation to the consent of nations, armed or unarmed, by the deposition or exclusion of the heirs of such as had reigned before them.

Our author not troubling himself with these things, or any other relating to the matter in question, is pleased to slight Hooker's opinions concerning coronation and inauguration, with "the heaps of scripture" upon which he grounds them; whereas those solemnities would not only have been foolish and impertinent, but profane and impious, if they were not deeds by which the right of dominion is really conferred. What could be more wickedly superstitious than to call all Israel together before the Lord, and to cast lots upon every tribe, family, and person, for the election of a king, if it had been known to whom the crown did belong by a natural and unalterable right? Or, if there had been any such thing in nature, how could God have caused that lot to fall upon one of the youngest tribe forever to discountenance his own law, and divert nations from taking any notice of it? It had been absurd for the tribe of Judah to choose and anoint David, and for the other tribes to follow their example after the death of Ishbosheth, if he had been king by a right not depending on their will. David did worse in slaying the sons of Rimmon, saying, they had killed a righteous man lying on his bed, if Ishbosheth, whose head they presented, had most unrighteously detained from him, as long as he lived; the dominion of the ten tribes: the king, elders, and peo-

ple, had most scornfully abused the most sacred things, by using such ceremonies in making him king, and completing their work in a covenant made between him and them before the Lord, if he had been already king, and if those acts had been empty ceremonies conferring no right at all.

I dare not say, that a league does imply an absolute equality between both parties; for there is a "*fœdus inæquale*," wherein the weaker, as Grotius says, does usually obtain protection, and the stronger honour; but there can be none at all, unless both parties are equally free to make it, or not to make it. David therefore was not a king, till he was elected, and those covenants made; and he was made king by that election and covenants.

This is not shaken by our author's supposition, "That the people would not have taken Joas, Manasseh, or Josiah, if they had had a right of choosing a king; since Solomon says, Woe unto the kingdom whose king is a child!" For, first, they who at the first had a right of choosing whom they pleased to be king, by the covenant made with him whom they did choose, may have deprived themselves of the farther execution of it, and rendered the crown hereditary even to children, unless the conditions were violated upon which it was granted. In the second place, if the infancy of a king brings woe upon a people, the government of such a one cannot be according to the laws of God and nature:

for governments are not instituted by either for the pleasure of a man, but for the good of nations; and their weal, not their woe, is sought by both: and if children are any where admitted to rule, it is by the particular law of the place, grounded perhaps upon an opinion, that it is the best way to prevent dangerous contests; or that other ways may be found to prevent the inconveniences that may proceed from their weakness. Thirdly, It cannot be concluded, that they might not reject children, because they did not: such matters require positive proofs; suppositions are of no value in relation to them, and the whole matter may be altered by particular circumstances. The Jews might reasonably have a great veneration for the house of David; they knew what was promised to that family; and whatever respect was paid, or privilege granted, on that account, can be of no advantage to any other in the world. They might be further induced to set up Joas, in hope the defects of his age might be supplied by the virtue, experience, and wisdom of Jehoiada. We do not know what good opinion may have been conceived of Manasseh when he was twelve years old; but much might be hoped from one that had been virtuously educated, and was probably under the care of such as had been chosen by Hezekiah: and though the contrary did fall out, the mischief brought upon the people by his wicked reign proceeded not from the weakness of his childhood, but from the malice of his riper years. And both the examples of Joas and Josiah prove, that neither of them came

in by their own right, but by the choice of the people. "Jehoiada* gathered the Levites out of all the cities of Judah, and the chief of the fathers of Israel, and they came to Jerusalem: and all the congregation made a covenant with the king in the house of God, and brought out the king's son, and put upon him the crown, and gave him the testimony, and made him king;" whereupon they slew Athaliah. "And when Ammon† was slain, the people of the land slew them that had conspired against king Ammon; and the people of the land made Josiah his son king in his stead:" which had been most impertinent, if he was of himself king before they made him so. Besides, though infancy may be a just cause of excepting against, and rejecting the next heir to a crown, it is not the greatest or strongest. It is far more easy to find a remedy against the folly of a child (if the state be well regulated) than the more rooted vices of grown men. The English, who willingly received Henry the 6th, Edward the 5th and 6th, though children, resolutely opposed Robert the Norman: and the French, who willingly submitted to Charles the 9th, Lewis the 13th and 14th, in their infancy, rejected the lewd remainders of the race of Meroveus; Charles of Lorrain, with his kindred, descended from Pepin, Robert duke of Burgundy, with his descendants, and Henry of Navarre, till he had satisfied the nobility and people in point of religion. And though

* 2 Chron. xxiii. † 2 Chron. xxxiii.

I do not know, that the letter upon the words, "*Væ regno cujus rex puer est*,"* recited by Lambard, was written by Eleutherius bishop of Rome; yet the authority given to it by the Saxons, who made it a law, is much more to be valued than what it could receive from the writer; and whoever he was, he seems rightly to have understood Solomon's meaning, who did not look upon him as a child that wanted years, or was superannuated, but him only who was guilty of insolence, luxury, folly, and madness: and he that said, "A wise child was better than an old and foolish king," could have no other meaning, unless he should say, it was worse to be governed by a wise person than a fool; which may agree with the judgment of our author, but could never enter into the heart of Solomon.

Lastly, Though the practice of one or more nations may indicate what laws, covenants, or customs were in force among them, yet they cannot bind others: the diversity of them proceeds from the variety of mens' judgments, and declares, that the direction of all such affairs depends upon their own will; according to which every people for themselves forms and measures the magistracy, and magistratical power; which, as it is directed solely for the good, hath its exercises and extent proportionable to the command of those that institute it; and such ordinances being good for men, God makes them his own.

* Lamb. leg. Saxon.

SECTION VIII.

THERE IS NO NATURAL PROPENSITY IN MAN OR BEAST TO MONARCHY.

I SEE no reason to believe, that God did approve the government of one over many, because he created but one; but to the contrary, inasmuch as he did endow him, and those that came from him, as well the youngest as the eldest line, with understanding to provide for themselves, and by the invention of arts and sciences, to be beneficial to each other; he shewed, that they ought to make use of that understanding in forming governments according to their own convenience and such occasions as should arise, as well as in other matters; and it might as well be inferred, that it is unlawful for us to build, clothe, arm, defend, or nourish ourselves, otherwise than as our first parents did, before or soon after the flood, as to take from us the liberty of instituting governments that were not known to them. If they did not find out all that conduces to the use of man, but a faculty as well as a liberty was left to every one, and will be to the end of the world, to make use of his wit, industry, and experience, according to present exigencies, to invent and practise such things as seem convenient to himself and others in matters of the least importance; it were absurd to imagine, that the political science, which of all others is the most abstruse and variable according to accidents and cir-

cumstances, should have been perfectly known to them who had no use of it; and that their descendants are obliged to add nothing to what they practised. But the reason given by our author to prove this extravagant fancy, is yet more ridiculous than the thing itself; "God," saith he, "shewed his opinion," viz. that all should be governed by one, "when he endowed not only men but beasts with a natural propensity to monarchy: neither can it be doubted, but a natural propensity is referred to God, who is the author of nature:" which I suppose may appear, if it be considered.

Nevertheless I cannot but commend him in the first place for introducing God speaking so modestly, not declaring his will, but his opinion. He puts haughty and majestic language into the mouth of kings. They command, and decide, as if they were subject to no error, and their wills ought to be taken for perpetual laws; but to God he ascribes an humble delivery of his opinion only, as if he feared to be mistaken. In the second place, I deny that there is any such general propensity in man or beast; or that monarchy would thereby be justified, though it were found in them. It cannot be in beasts; for they know not what government is; and being incapable of it, cannot distinguish the several sorts, nor consequently incline to one more than another. Salmasius' story of bees is only fit for old women to prate of in chimney corners; and they who represent lions and eagles as kings of birds and beasts, do it only to shew that their power is nothing but brutish vio-

lence, exercised in the destruction of all that are not able to oppose it, and that hath nothing of goodness or justice in it: which similitude (though it should prove to be in all respects adequate to the matter in question) could only shew, that those who have no sense of right, reason, or religion, have a natural propensity to make use of their strength, to the destruction of such as are weaker than they; and not that any are willing to submit, or not to resist it if they can, which I think will be of no great advantage to monarchy. But whatever propensity may be in beasts, it cannot be attributed generally to men; for if it were, they never could have deviated from it, unless they were violently put out of their natural course; which in this case cannot be; for there is no power to force them. But that they have most frequently deviated, appears by the various forms of government established by them. There is therefore no natural propensity to any one; but they chuse that which in their judgment seems best for them. Or, if he would have that inconsiderate impulse, by which brutish and ignorant men may be swayed when they know no better, to pass for a propensity; others are no more obliged to follow it, than to live upon acorns, or inhabit hollow trees, because their fathers did it when they had no better dwellings, and found no better nourishment in the uncultivated world. And he that exhibits such examples, as far as in him lies, endeavours to take from us the use of reason, and extinguishing the light of it, to make us live like the worst of beasts, that we may be fit subjects to absolute monarchy. This may perhaps be

our author's intention, having learnt from Aristotle, that such a government is only suitable to the nature of the most bestial men, who being uncapable of governing themselves, fall under the power of such as will take the conduct of them: but he ought withal to have remembered that, according to Aristotle's opinion, this conductor must be in nature different from those he takes the charge of; and, if he be not, there can be no government, nor order by which it subsists; beasts follow beasts, and the blind lead the blind to destruction.

But though I should grant this propensity to be general, it could not be imputed to God, since man by sin is fallen from the law of his creation. "The wickedness of man (even in the first ages) was great in the world: all the imaginations of his heart are evil, and that continually. All men are liars. There is none that doth good, no not one. Out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false testimonies," &c. These are the fruits of our corrupted nature, which the apostle observing, does not only make a difference between the natural and the spiritual man, whose proceeding only can be referred to God, and that only so far as he is guided by his Spirit; but shews that the natural man is in a perpetual enmity against God, without any possibility of being reconciled to him, unless by the destruction of the old man, and the regenerating or renewing him through the spirit of grace. There being no footsteps of this in our author's book, he and his master Heylin may have dif-

fered from the apostle, referring that propensity of nature to God, which he declares to be utter enmity against him; and we may conclude, that this propensity, however general it may be, cannot be attributed to God as the author of nature, since it can be no more general than the corruptions into which we are fallen.

SECTION IX.

THE GOVERNMENT INSTITUTED BY GOD OVER THE ISRAELITES WAS ARISTOCRATICAL.

NOTWITHSTANDING all this, our author is resolved that monarchy must be from God: "What form of government, says he, God ordained by his authority, may be gathered by that commonwealth which he instituted among the Hebrews; which was not aristocratical, as Calvin saith, but plainly monarchical." I may in as few fords words deny the government set up by God to have been monarchical, as he asserts it; but finding such language ordinarily to proceed from a mixture of folly, impudence, and pride, I chuse rather to shew upon what I ground my opinions, than nakedly to deliver them; most especially, when by insisting upon the government instituted by God over his people, he refers us to the scripture. And I do this the more

boldly, since I follow Calvin's exposition; and believe that he, having been highly esteemed for his wit, judgment, and learning, by such as were endowed with the like, and reverenced as a glorious servant of God, might, if he were now alive, comfort himself, though he had the misfortune to fall under the censures of Filmer and his followers. It is probable he gave some reasons for his opinions; but our author having maliciously concealed them, and I not having leisure at present to examine all his writings to find them, must content myself with such as my small understanding may suggest, and such as I have found in approved authors.

In the first place I may safely say, he was not alone of that opinion: Josephus, Philo, and Moses Maimonides, with all the best of the Jewish and Christian authors, had long before delivered the same.* Josephus says, that Saul's first sin, by which he fell, was, "that he took away the aristocracy;" which he could not do, if it had never been established. Philo imputes the institution of kingly government, as it was in Israel, neither to God, nor his word, but to the fury of the sinful people.† Abarbenel says, it proceeded from their delight in idolatry to which their neighbours were addicted, and which could be upheld only by a government, in practice and principle contrary to that which God had instituted.‡ Maimonides frequently says the

* Jos. ant. Jud. † Abar. in 1 Som. vii.

‡ Maim. more nevochim.

same thing grounded upon the words of Hosea, "I gave them kings in my wrath;" and whosoever will call that a divine institution, may give the same name to plagues or famines, and induce a necessity incumbent upon all men to go and search the one where they may find it; and to leave their lands forever uncultivated, that they may be sure of the other: which being too bestial to be asserted by a man, I may safely say, the Hebrew kings were not instituted by God, but given as a punishment of their sin who despised the government that he had instituted: and the abovementioned authors agree in the same, thing calling the people's desire to have a king, furious, mad, wicked, and proceeding from their love to the idolatry of their neighbours, which was suited to their government; both which were inconsistent with what God had established over his own people.

But waving the opinions of men, it is good to see what we can learn from the scripture, and inquire if there be any precept there expressly commanding them to make a king; or any example that they did so whilst they continued obedient to the word of God; or any thing from whence we may reasonably infer they ought to have done it: all which, if I mistake not, will be found directly contrary.

The only precept that we find in the law concerning kings, is that of Deuteronomy xvii. already

mentioned; and that is not a command to the people to make, but instructions what manner of king they should make if they desired to have one: there was therefore none at all.

Examples do as little favour our author's assertions. Moses, Joshua, and the other judges, had not the name or power of kings: they were not of the tribe to which the sceptre was promised: they did not transmit the power they had to their children, which in our adversary's opinion is a right inseparable from kings: and their power was not continued by any kind of succession, but created occasionally as need required, according to the virtues discovered in those who were raised by God to deliver the nation in the time of their distress; which being done, their children lay hid among the rest of the people. Thus were Ehud, Gideon, Jephthah, and others, set up: "Whosoever will give battle," say the princes and people of Gilead, "to the children of Ammon, shall be head over the inheritance of Gilead:"* and finding Jephthah to be such a man as they sought, they made him their chief, and all Israel followed them. When Othniel had shewed his valour in taking Kirjath-sepher, and delivering his brethren from Cushan-rishathaim, he was made judge: when Ehud had killed Eglon; when Shamgar and Samson had destroyed great numbers of the Philistines; and when Gideon had defeated the Midianites, they were fit to be advanced above their

* Judg. x.

brethren. These dignities were not inherent in their persons, or families, but conferred upon them; nor conferred, that they might be exalted in riches and glory, but that they might be ministers of good to the people. This may justify Plato's opinion, that if one man be found incomparably to excel all others in the virtues that are beneficial to civil societies, he ought to be advanced above all: but I think it will be hard from thence to deduce an argument in favour of such a monarchy as is necessarily to descend to the next in blood, whether a man, woman, or child, without any consideration of virtue, age, sex, or ability; and that failing, it can be of no use to our author. But whatever the dignity of a Hebrew judge was, and howsoever he was raised to that office, it certainly differed from that of a king. Gideon could not have refused to be a king when the people would have made him so, if he had been a king already; or that God from the beginning had appointed that they should have one:* the elders and people could not have asked a king of Samuel, if he had been king; and he could not without impiety have been displeased with them for asking for such a one as God had appointed; neither would God have said to him, "They have not rejected thee, but they have rejected me that I should not reign over them," if he had ordained what they desired.

They did not indeed reject God with their mouths: they pretended to use the liberty he had given them

* 1 Sam. viii.

to make a king; but would have such a one as he had forbidden: they drew near to him with their lips, but their hearts were far from him; and he seeing their hypocrisy, severely chastised them in granting their ill-conceived request; and foretold the miseries that should thereupon befall them, from which he would not deliver them, though they should cry to him by reason of what they suffered from their king: he was their creature, and the mischiefs thereby brought upon them were the fruits of their own labour.

This is that which our author calls God's institution of kings; but the prophet explains the matter much better,* "I gave them kings in my anger, and took them away in my wrath:" in destroying them God brought desolation upon the people that had sinned in asking for them, and following their example in all kind of wickedness. This is all our author has to boast of: but God, who acknowledges those works only to be his own which proceed from his goodness and mercy to his people, disowns this; "Israel hath cast off the thing that is good"† (even the government that he had established): "the enemy shall pursue him: they have set up kings, but not by me; and princes, but I know them not." As if he sought to justify the severity of his judgments brought upon them by the wickedness of their kings, that they, not he, had ordained.

Having seen what government God did not ordain,

* Hos. xiii. † Hos. viii.

it may be seasonable to examine the nature of the government which he did ordain; and we shall easily find, that it consisted of three parts, besides the magistrates of the several tribes and cities. They had a chief magistrate, who was called judge or captain,* as Joshua, Gideon, and others, a council of seventy chosen men, and the general assemblies of the people.

The first was merely occasional, like to the dictators of Rome; and as the Romans in times of danger frequently chose such a man as was much esteemed for valour and wisdom, God's peculiar people had a peculiar regard to that wisdom and valour which was accompanied with his presence, hoping for deliverance only from him.

The second is known by the name of the great sanhedrim, which being instituted by Moses according to the command of God, continued till they were all, save one, slain by Herod. And the third part, which is the assembly of the people, was so common, that none can be ignorant of it, but such as never looked into the scripture. When the tribes of Reuben, Gad, and half that of Manasseh, had built an altar on the side of Jordan,† "the whole congregation of the children of Israel gathered together at Shiloh to go up to war against them, and sent Phineas, the son of Eleazer, and with him ten princes," &c. This was the highest and most important ac-

* Numb. xi. † Josh. xxii.

tion that could concern a people, even war or peace, and that not with strangers, but their own brethren. Joshua was then alive: the elders never failed; but this was not transacted by him or them, but by the collected body of the people; "for they sent Phineas." This democratical embassy was democratically received: it was not directed to one man, but to all the children of Reuben, Gad, and Manasseh, and the answer was sent by them all; which being pleasing to Phineas, and the ten that were with him, they made their report to the congregation, and all was quiet.

The last eminent act performed by Joshua was the calling of a like assembly to Shechem,* composed of elders, heads of families, judges, officers, and all the people, to whom he proposed, and they agreeing, made a covenant before the Lord.

Joshua being dead, the proceedings of every tribe were grounded upon counsels taken at such assemblies among themselves for their own concernments, as appears by the actions of Judah, Simeon, &c.† against the Canaanites; and when the Levite complained that his wife had been forced by those of Gibeah, the whole congregation of Israel met together at Mizpeh from all parts, "even from Dan to Beersheba," as one man, and there resolved upon that terrible war which they made against the tribe of Benjamin. The like assembly was gathered to-

* Josh. xxiv. † Judg. i.

gether for the election of Saul, every man was there: and though the elders only are said to have asked a king of Samuel, they seem to have been deputed from the whole congregation; for God said, "Hearken to the voice of the people."* In the same manner the tribe of Judah, and after that the rest, chose and anointed David to be their king. After the death of Solomon, all Israel met together to treat with Rehoboam; and not receiving satisfaction from him, ten of the tribes abrogated his kingdom.

If these actions were considered singly by themselves, Calvin might have given the name of a democracy to the Hebrew government, as well as to that of Athens; for without doubt they evidently manifest the supreme power to have been in the supreme manner in these general assemblies; but the government (as to its outward order) consisting of those three parts, which comprehend the three simple species, though in truth it was a theocracy; and no times having been appointed, nor occasions specified, upon which judges should be chosen, or these assemblies called; whereas the sanhedrim, which was the aristocratical part, was permanent, the whole might rightly be called an aristocracy, that part prevailing above the others; and though Josephus calls it a theocracy, by reason of God's presence with his people, yet in relation to man he calls it an aristocracy, and says, that Saul's first sin, by which he fell from the kingdom, was, that "*gubernationem opti-*

* 1 Sam. viii. 7.

matum sustulit ;" which could not be, if they were governed by a monarch before he was chosen.

Our author taking no notice of these matters, first endeavours to prove the excellency of monarchy from natural instinct; and then begging the question, says, that God did always govern his people by monarchy; whereas he ought in the first place to have observed, that "this instinct (if there be any such thing) is only an irrational appetite, attributed to beasts," that know not why they do any thing; "and is to be followed only by those men who being equally irrational, live in the same ignorance :" and the second being proved to be absolutely false by the express words of the scripture, "there was then no king in Israel,"* several times repeated, and the whole series of the history, he hath no other evasion than to say, "that even then the Israelites were under the kingly government of the fathers of particular families."

It appears by the forementioned text, cited also by our author, that in the assembly of the people, gathered together to take counsel concerning the war against Benjamin, were four hundred thousand footmen that drew sword: they all arose together, saying, "Not a man of us shall go to his tent. So all the men of Israel were gathered together against the city." This is repeated several times in the relation. The Benjamites proceeded in the like manner in pre-

* Judg. xviii.

paring for their defence; and if all these who did so meet to consult and determine were monarchs, there were then in Israel and Benjamin four hundred and twenty-six thousand seven hundred monarchs or kings, though the scripture says there was not one.

If yet our author insist upon his notion of kingly government, I desire to know who were the subjects, if all these were kings; for the text says, "that the whole congregation was gathered together as one man, from Dan to Beersheba." If there can be so many kings without one subject, what becomes of the right of Abraham, Isaac, and Jacob, that was to have been devolved upon one man as heir to them, and thereby lord of all? If every man had an equal part in that inheritance, and by virtue of it became a king, why is not the same eternally subdivided to as many men as are in the world, who are also kings? If this be their natural condition, how comes it to be altered, till they do unthrone themselves by consent to set up one or more to have a power over them all? Why should they divest themselves of their natural right to set up one above themselves, unless in consideration of their own good? If the four hundred and twenty-six thousand seven hundred kings might retain the power in themselves, or give it to one, why might they not give it to any such number of men as should best please themselves, or retain it in their own hands, as they did till the days of Saul; or frame, limit, and direct it, according to their own pleasure? If this be true, God is the author of de-

mocracy; and no assertor of human liberty did ever claim more than the people of God did enjoy and exercise at the time when our author says they were under the kingly government; which liberty being not granted by any peculiar concession or institution, the same must belong to all mankind.

It is in vain to say the four hundred and twenty-six thousand seven hundred men were heads of families; for the scripture only says, "They were footmen that drew the sword," or rather all the men of Israel from Dan to Beersheba, who were able to make war. When six hundred Benjamites did only remain of the four hundred and twenty-six thousand seven hundred, it is plain that no more were left of that tribe, their women and children having been destroyed in the cities after their defeat. The next chapter makes the matter yet more plain; for when all that were at the congregation in Mizpeh were found to have sworn they would not give their daughters to any of the tribe of Benjamin, no Israelite was free from the oath, but the men of Jabesh-gilead,* who had not been at the assembly: all the rest of Israel was therefore comprehended; and they continuing to govern in a popular way with absolute power, sent twelve thousand of their most valiant men to destroy all the males of Jabesh-gilead, and the women that had lain by man, reserving the virgins for the Benjamites. This is enough for my purpose: for the question is not concerning the

* Judg. xxi.

power that every householder in London hath over his wife, children, and servants; but whether they are all perpetually subject to one man and family; and I intend not to set up their wives, prentices, and children against them, or to diminish their rights, but to assert them, as the gift of God and nature, no otherwise to be restrained than by laws made with their consent.

Reason failing, our author pleases himself with terms of his own invention: "When the people begged a king of Samuel, they were governed by a kingly power: God out of a special love and care to the house of Israel, did chuse to be their king himself, and did govern them at that time by his viceroy, Samuel and his sons." The behaviour of the Israelites towards Samuel has been thought proud, perverse, and obstinate; but the fine court-word "begging" was never before applied to them; and their insolent fury was not only seen against Samuel, but against God: "They have not rejected thee, but they have rejected me."* And I think Filmer is the first who ever found that beggars in begging did reject him of whom they begged: or if they were beggars, they were such as would not be denied; for after all that Samuel had said to dissuade them from their wicked design, they said, "Nay, but we will have a king."†

But lest I should be thought too much inclined to contradict our author, I confess that once he hath

* 1 Sam. viii. † Ver. 19.

happened to be in the right. "God out of a special love to the house of Israel, chose to be their king: he gave them laws, prescribed a form of government, raised up men in a wonderful manner to execute it, filled them with his Spirit; was ever present when they called upon him; he gave them counsel in their doubts, and assistance in all their extremities: he made a covenant with them, and would be exalted by them." But what is this to an earthly monarch? Who can from hence derive a right to any one man to play the lord over his brethren, or a reason why any nation should set him up? God is our Lord by right of creation, and our only Lord, because he only hath created us. If any other were equal to him in wisdom, power, goodness, and beneficence to us, he might challenge the same duty from us. If growing out of ourselves, receiving being from none, depending on no providence, we were offered the protection of a wisdom subject to no error, a goodness that could never fail, and a power that nothing could resist; it were reasonable for us to enter into a covenant, submit ourselves to him, and with all the faculties of our minds to addict ourselves to his service. But what right can from hence accrue to a mortal creature like to one of us, from whom we have received nothing, and who stands in need of help as much as we? Who can from hence deduce an argument to persuade us to depend upon his wisdom, who has as little as other men? to submit to his will who is subject to the same frailties, passions, and vices with the rest of mankind? or to expect protection and defence from him whose life depends

upon as slender threads as our own; and who can have no power but that which we confer upon him? If this cannot be done, but is of all things the most contrary to common sense, no man can in himself have any right over us; we are all as free as the four hundred and twenty-six thousand seven hundred Hebrew kings: we can naturally owe allegiance to none; and I doubt whether all the lusts that have reigned amongst men since the beginning of the world, have brought more guilt and misery upon them than that preposterous and impudent pretence of imitating what God had instituted. When Saul set himself most violently to oppose the command of God, he pretended to fulfil it: when the Jews grew weary of God's government and resolved to reject him, that he should not reign over them, they used some of Moses' words, and asked that king of God, whom they intended to set up against him? But this king had not been set up against God, the people had not rejected God, and sinned in asking for him, if every nation by a general law ought to have one, or by a particular law one had been appointed by him over them. There was therefore no king amongst them, nor any law of God or nature, particular or general, according to which they ought to have one.

SECTION X.

ARISTOTLE WAS NOT SIMPLY FOR MONARCHY, OR AGAINST POPULAR GOVERNMENT; BUT APPROVED OR DISAPPROVED OF EITHER ACCORDING TO CIRCUMSTANCES.

Our author well observes, that Aristotle is hardly brought to give a general opinion in favour of monarchy, as if it were the best form of government, or to say true, never does it. He uses much caution, proposes conditions and limitations, and makes no decision but according to circumstances. Men of wisdom and learning are subject to such doubts; but none ought to wonder if stupidity and ignorance defend Filmer and his followers from them; or that their hatred to the ancient virtue should give them an aversion to the learning that was the nurse of it. Those who neither understand the several species of government, nor the various tempers of nations, may without fear or shame give their opinions in favour of that which best pleaseth them; but wise men will always proportion their praises to the merit of the subject, and never commend that simply which is good only according to circumstances. Aristotle highly applauds monarchy, when the monarch has more of those virtues that tend to the good of a commonwealth than all they who compose it. This is the king mentioned in his ethics, and extolled in his politics; he is above all by nature, and ought not by

a municipal law to be made equal to others in power: he ought to govern, because it is better for a people to be governed by him than to enjoy their liberty; or rather they do enjoy their liberty, which is never more safe than when it is defended by one who is a living law to himself and others. Wheresoever such a man appears, he ought to reign: he bears in his person the divine character of a sovereign: God has raised him above all; and such as will not submit to him, ought to be accounted sons of Belial, brought forth and slain. But he does withall confess, that if no such man be found, there is no natural king: all the prerogatives belonging to him vanish, for want of one who is capable of enjoying them. He lays severe censures upon those who, not being thus qualified, take upon them to govern men equal to or better than themselves; and judges the assumption of such powers by persons who are not naturally adapted to the administration of them, as barbarous usurpations, which no law or reason can justify; and is not so much transported with the excellency of this true king, as not to confess he ought to be limited by law: "*Qui lagem præesse jubet, videtur jubere præesse Deum & leges: qui autem hominem præesse jubet, adjungit & bestiam; libido quippe tælis est, atque obliquos agit etiam viros optimos, qui sunt in potestate; ex quo mens atque appetitus lex est.*"* This agrees with the words of the best king that is known to have been in the world, proceeding, as is most probable, from a sense of the passions that

* Arist. Polit. l. iii. c. 12.

reigned in his own breast; "Man being in honour, hath no understanding, but is like to the beast that perisheth." This shews that such as deny that kings do reign by law, or that laws may be put upon kings, do equally set themselves against the opinions of wise men, and the word of God: and our author, having found that learning made the Grecians seditious, may reasonably doubt, that religion may make others worse; so as none will be fit subjects of his applauded government, but those who have neither religion nor learning; and that it cannot be introduced till both be extinguished.

Aristotle having declared his mind concerning government, in the books expressly written on that subject, whatsoever is said by the bye in his moral discourses, must be referred to and interpreted by the other; and if he said (which I do not find) that monarchy is the best form of government, and a popular state the worst, he cannot be thought to have meant otherwise, than that those nations were the most happy who had such a man as he thinks fit to be a monarch; and those the most unhappy, who neither had such a one, nor a few, that any way excelled the rest; but all being equally brutish, must take upon them the government they were unable to manage: for he does no where admit any other end of just and civil government, than the good of the governed; nor any advantage due to one or a few persons, unless for such virtues as conduce to the common good of the society. And as our author thinks learning makes men seditious, Aristotle also

acknowledges, that those who have understanding and courage, which may be taken for learning, or the effect of it, will never endure the government of one or a few that do not excel them in virtue; but no where dispraises a popular government, unless the multitude be composed of such as are barbarous, stupid, lewd, vicious, and incapable of the happiness for which governments are instituted; who cannot live to themselves, but, like a herd of beasts, must be brought under the dominion of another; or who, having amongst themselves such an excellent person as is above described, will not submit to him, but either kill, banish, or bring him to be equal with others, whom God had made to excel all. I do not trouble myself, or the reader, with citing here or there a line out of his books, but refer myself to those who have perused his moral and political writings, submitting to the severest censures, if this be not the true sense of them; and that virtue alone, in his opinion, ought to give the pre-eminence. And as Aristotle, following the wise men of those times, shews us how far reason, improved by meditation, can advance in the knowledge and love of that which is truly good; so we may in Filmer, guided by Heylin, see an example of corrupted christians, extinguishing the light of religion by their vices, and degenerating into beasts, whilst they endeavour to support the personal interest of some men, who, being raised to dignities by the consent of nations, or by unwarrantable ways and means, would cast all the power into the hands of such as happen to be born

in their families; as if governments had not been instituted for the common good of nations, but only to increase their pride, and foment their vices; or that the care and direction of a great people were so easy a work, that every man, woman, or child, how young, weak, foolish, or wicked soever, may be worthy of it and able to manage it.

SECTION XI.

LIBERTY PRODUCETH VIRTUE, ORDER, AND STABILITY: SLAVERY IS ACCOMPANIED WITH VICE, WEAKNESS, AND MISERY.

Our author's judgment, as well as inclinations to virtue, are manifested in the preference he gives to the manners of the Assyrians, and other eastern nations, before the Grecians and Romans: whereas the first were never remarkable for any thing but pride, lewdness, treachery, cowardice, madness, and hatred to all that is good, whilst the others excelled in wisdom, valour, and all the virtues that deserve imitation. This was so well observed by St. Augustin,* that he brings no stronger argument to prove, that God leaves nothing that is good in man unrewarded, than that he gave the dominion of the

* De Civ. Dei.

best part of the world to the Romans, who in moral virtues excelled all other nations. And I think no example can be alledged of a free people that has ever been conquered by an absolute monarch, unless he did incomparably surpass them in riches and strength; whereas many great kings have been overthrown by small republics: and the success being constantly the same, it cannot be attributed to fortune, but must necessarily be the production of virtue and good order. Machiavel, discoursing of these matters, finds virtue to be so essentially necessary to the establishment and preservation of liberty, that he thinks it impossible for a corrupted people to set up a good government, or for a tyranny to be introduced, if they be virtuous; and makes this * conclusion, "That where the matter (that is, the body of the people) is not corrupted, tumults and disorders do no hurt; and where it is corrupted, good laws do no good:" which being confirmed by reason

* Si puo far questa conclusione, che dove la materia non e corrota, i tumulti ed altri scandali non nuocono: là dove la e corrota le buone leggi non giovano. Machiav. Disc. sopra T. Livio, lib. 1. Livy in the admirable preface to his history has these remarkable words, "donec ad hæc tempora, quibus nec vitia nostra, nec remedia pati possumus, preventum est." And Tacitus observes, "non aliud discordantis patriæ remedium suisse, quam ut ab uno reguretur—necessitudo reipublicæ, in qua nullus tunc ligibus locus."—Ann. l. i. c. 9. Seneca condemns Brutus' conduct for a like reason that Cicero blames Cato, who considered himself as acting in Plato's republic, and not "in fæce Romuli." Sen. de ben. l. ii. c. 20. The whole chapter is really excellent.

and experience, I think no wise man has ever contradicted him.

But I do not more wonder, that Filmer should look upon absolute monarchy to be the nurse of virtue, though we see they did never subsist together, than that he should attribute order and stability to it; whereas order doth principally consist in appointing to every one his right place, office, or work; and this lays the whole weight of the government upon one person, who very often does neither deserve nor is able to bear, the least part of it. Plato, Aristotle, Hooker (and I may say, in short) all wise men have held, that order required, that the wisest, best, and most valiant men, should be placed in the offices where wisdom, virtue, and valour, are requisite. If common sense did not teach us this, we might learn it from the scripture. When God gave the conduct of his people to Moses, Joshua, Samuel, and others, he endowed them with all the virtues and graces that were required for the right performance of their duty. When the Israelites were oppressed by the Midianites, Philistines, and Ammonites, they expected help from the most wise and valiant. When Hannibal was at the gates of Rome, and had filled Italy with fire and blood, or when the Gauls overwhelmed that country with their multitudes and fury, the senate and people of Rome put themselves under the conduct of Camillus, Manlius, Fabius, Scipio, and the like; and when they failed to chuse such as were fit for the work to be done, they received such

defeats as convinced them of their error. But if our author say true, order did require that the power of defending the country should have been annexed as an inheritance to one family, or left to him that could get it, and the exercise of all authority committed to the next in blood, though the weakest of women, or the basest of men.

The like may be said of judging, or doing of justice; and it is absurd to pretend, that either is expected from the power, not the person, of the monarch; for experience doth too well shew how much all things halt in relation to justice or defence, when there is a defect in him that ought to judge us, and to fight our battles. But of all things this ought least to be alledged by the advocates for absolute monarchy, who deny that the authority can be separated from the person, and lay it as a fundamental principle, that whosoever hath it, may do what he pleases, and be accountable to no man.

Our author's next work is to shew, that stability is the effect of this good order. But he ought to have known that stability is then only worthy of praise, when it is in that which is good. No man delights in sickness or in pain, because it is long or incurable; nor in slavery and misery, because it is perpetual: much less will any man in his senses commend a permanency in vice and wickedness. He must therefore prove, that the stability he boasts of is in things that are good, or all that he says of it signifies nothing.

I might leave him here with as little fear, that any man who shall espouse his quarrel, will ever be able to remove this obstacle, as that he himself should rise out of his grave and do it: but I hope to prove, that of all things under the sun, there is none more mutable or unstable than absolute monarchy; which is all that I dispute against, professing much veneration for that which is mixed, regulated by law, and directed to the public good.

This might be proved by many arguments; but I shall confine myself to two; the one drawn from reason, the other from matters of fact.

Nothing can be called stable, that is not so in principle and practice, in which respect human nature is not well capable of stability; but the utmost deviation from it that can be imagined, is, when such an error is laid for a foundation as can never be corrected. All will confess, that if there be any stability in man, it must be in wisdom and virtue, and in those actions that are thereby directed; for in weakness, folly, and madness, there can be none. The stability therefore that we seek, in relation to the exercise of civil and military powers, can never be found, unless care be taken, that such as shall exercise those powers, be endowed with the qualities that should make them stable. This is utterly repugnant to our author's doctrine: he lays for a foundation, that the succession goes to the next in blood, without distinction of age, sex, or personal qualities; whereas even he himself could not have the

impudence to say, that children and women (where they are admitted), or fools, madmen, and such as are full of all wickedness, do not come to be the heirs of reigning families, as well as of the meanest. The stability therefore that can be expected from such a government, either depends upon those who have none in themselves, or is referred wholly to chance, which is directly opposite to stability.

This would be the case, though it were (as we say) an even wager, whether the person would be fit or unfit, and that there were as many men in the world able as unable to perform the duty of a king. But experience shewing, that, among many millions of men, there is hardly one that possesses the qualities required in a king, it is so many to one, that he upon whom the lot shall fall, will not be the man we seek, in whose person and government there can be such a stability as is asserted. And that failing, all must necessarily fail: for there can be no stability in his will, laws, or actions, who has none in his person.

That we may see whether this be verified by experience, we need not search into the dark relations of the Babylonian and Assyrian monarchies: those rude ages afford us little instruction; and though the fragments of history remaining do sufficiently shew, that all things there were in perpetual fluctuation, by reason of the madness of their kings, and the violence of those who transported the empire from one place or family to another, I will not much

rely upon them, but slightly touching some of their stories, pass to those that are better known to us.

The kings of those ages seem to have lived rather like beasts in a forest, than men joined in civil society: they followed the example of Nimrod the mighty hunter; force was the only law that prevailed, the stronger devoured the weaker, and continued in power till he was ejected by one of more strength or better fortune. By this means the race of Ninus was destroyed by Belochus. Arbaces rent the kingdom asunder, and took Media to himself. Merodach extinguished the race of Belochus, and was made king. Nabuchodnosor like a flood, overwhelmed all for a time, destroyed the kingdoms of Jerusalem and Egypt, with many others, and found no obstacle, till his rage and pride turned to a most bestial madness: and the Assyrian empire was wholly abolished at the death of his grand-child Belshazzar; and no stability can be found in the reigns of those great kings, unless that name be given to the pride, idolatry, cruelty, and wickedness, in which they remained constant. If we examine things more distinctly, we shall find that all things varied according to the humour of the prince. Whilst Pharaoh lived, who had received such signal services from Joseph, the Israelites were well used: but when another rose up who knew him not, they were persecuted with all the extremities of injustice and cruelty, till the furious king persisting in his design of exterminating them, brought destruction

upon himself and the nation. Where the like power hath prevailed, it has ever produced the like effects. When some great men of Persia had persuaded Darius, that it was a fine thing to command that no man for the space of thirty days should make any petition to God or man, but to the king only, Daniel, the most wise and holy man then in the world, must be thrown to the lions.* When God had miraculously saved him, the same sentence was passed against the princes of the nation. When Haman had filled Ahasuerus' ears with lies, all the Jews were appointed to be slain; and when the fraud of that villain was detected, leave was given them, with the like precipitancy, to kill whom they pleased. When the Israelites came to have kings, they were made subject to the same storms, and always with their blood suffered the penalty of their prince's madness. When one kind of fury possessed Saul, he slew the priests, persecuted David, and would have killed his brave son Jonathan: when he fell under another, he took upon him to do the priest's office, pretended to understand the word of God better than Samuel, and spared those that God had commanded him to destroy: upon another whimsey he killed the Gibeonites, and never rested from finding new inventions to vex the people, till he had brought many thousands of them to perish with himself, and his sons, on Mount Gilboa. We do not find any king in wisdom, valour, and holiness, equal to David; and

* Dan. vi.

yet he, falling under the temptations that attend the greatest fortunes, brought civil wars, and a plague upon the nation. When Solomon's heart was drawn away by strange women, he filled the land with idols, and oppressed the people with intolerable tributes. Rehoboam's folly made that rent in the kingdom which could never be made up. Under his successors the people served God, Baal, or Ashtaroth, as best pleased him who had the power; and no other marks of stability can be alledged to have been in that kingdom, than the constancy of their kings in the practice of idolatry, their cruelty to the prophets, hatred to the Jews, and civil wars producing such slaughters as are reported in few other stories: the kingdom was in the space of about two hundred years possessed by nine several families, not one of them getting possession otherwise than by the slaughter of his predecessor, and the extinction of his race; and ended in the bondage of the ten tribes, which continues to this day.

He that desires farther proofs of this point, may seek them in the histories of Alexander of Macedon, and his successors: he seems to have been endowed with all the virtues that nature, improved by discipline, did ever attain, so that he is believed to be the man meant by Aristotle, who, on account of the excellency of his virtues, was by nature framed for a king; and Plutarch* ascribes his conquests rather to those, than to his fortune: but even that virtue

* Plut. in vit. Alex.

was overthrown by the successes that accompanied it: he burnt the most magnificent palace of the world, in a frolic, to please a mad, drunken whore: upon the most frivolous suggestions of eunuchs and rascals, he killed the best and bravest of his friends; and his valour, which had no equal, not subsisting without his other virtues, perished when he became lewd, proud, cruel, and superstitious; so as it may be truly said, he died a coward. His successors did not differ from him: when they had killed his mother, wife, and children, they exercised their fury against one another; and tearing the kingdom to pieces, the survivors left the sword as an inheritance to their families, who perished by it, or under the weight of the Roman chains.

When the Romans had lost that liberty which had been the nurse of their virtue, and gained the empire in lieu of it, they attained to our author's applauded stability. Julius being slain in the senate, the first question was, whether it could be restored, or not? and that being decided by the battle of Phillippi, the conquerors set themselves to destroy all the eminent men in the city, as the best means to establish the monarchy. Augustus gained it by the death of Antonius, and the corruption of the soldiers; and he dying naturally, or by the fraud of his wife, the empire was transferred to her son Tiberius; under whom the miserable people suffered the worst effects of the most impure lust, and inhuman cruelty: he being stifled, the government went on with much uniformity and stability; Caligula, Claudius, Nero,

Galba, Otho, Vitellius, regularly and constantly did all the mischief they could, and were not more like to each other in the villainies they committed, than in the deaths they suffered. Vespasian's more gentle reign did no way compensate the blood he spilt to attain the empire: and the benefits received from Titus' short-lived virtue, were infinitely over-balanced by the detestable vices of his brother Domitian, who turned all things into the old channel of cruelty, lust, rapine, and perfidiousness. His slaughter gave a little breath to the gasping, perishing world; and men might be virtuous under the government of Nerva, Trajan, Antoninus, Aurelius, and a few more; though even in their time religion was always dangerous. But when the power fell into the hands of Commodus, Heliogabalus, Caracalla, and others of that sort, nothing was safe but obscurity, or the utmost excesses of lewdness and baseness. However, whilst the will of the governor passed for a law, and the power did usually fall into the hands of such as were most bold and violent, the utmost security that any man could have for his person or estate, depended upon his temper; and princes themselves, whether good or bad, had no longer leases of their lives, than the furious and corrupted soldiers would give them; and the empire of the world was changeable, according to the success of a battle.

Matters were not much mended when the emperors became christians: some favoured those who were called "orthodox," and gave great revenues to corrupt the clergy. Others supported arianism, and

persecuted the orthodox with as much asperity as the Pagans had done. Some revolted, and shewed themselves more fierce against the professors of christianity, than they that had never had any knowledge of it. The world was torn in pieces amongst them, and often suffered as great miseries by their sloth, ignorance, and cowardice, as by their fury and madness, till the empire was totally dissolved and lost. That which, under the weakness and irregularity of a popular government, had conquered all from the Euphrates to Britain, and destroyed the kingdoms of Asia, Egypt, Macedon, Numidia, and a multitude of others, was made a prey to unknown barbarous nations, and rent into as many pieces as it had been composed of when it enjoyed the stability that accompanies divine and absolute monarchy.

The like may be said of all the kingdoms in the world; they may have their ebbings and flowings according to the virtues or vices of princes, or their favourites; but can never have any stability, because there is, and can be none in them: or if any exception may be brought against this rule, it must be of those monarchies only which are mixed and regulated by laws, where diets, parliaments, assemblies of estates, or senates, may supply the defects of a prince, restrain him if he prove extravagant, and reject such as are found to be unworthy of their office, which are as odious to our author and his followers, as the most popular governments, and can be of no advantage to his cause.

There is another ground of perpetual fluctuation in absolute monarchies; or such as are grown so strong, that they cannot be restrained by law, though according to their institution they ought to be distinct from, but in some measure relating to the inclinations of the monarch, that is, the impulse of ministers, favourites, wives, or whores, who frequently govern all things according to their own passions or interests. And though we cannot say who were the favourites of every one of the Assyrian or Egyptian kings, yet the examples before-mentioned of the different method followed in Egypt before and after the death of Joseph, and in Persia whilst the idolatrous princes, and Haman, or Daniel, Esther, and Mordecai, were in credit; the violent changes happening thereupon give us reason to believe the like were in the times of other kings: and if we examine the histories of latter ages, and the lives of princes, that are more exactly known, we shall find, that kingdoms are more frequently swayed by those who have power with the prince, than by his own judgment: so that whosoever hath to deal with princes concerning foreign or domestic affairs, is obliged more to regard the humour of those persons, than the most important interests of a prince or people.

I might draw too much envy upon myself, if I should take upon me to cite all the examples of this kind that are found in modern histories, or the memoirs that do more precisely shew the temper of

princes, and the secret springs by which they were moved. But as those who have well observed the management of affairs in France, during the reigns of Francis the 1st, Henry the 2d, Francis the 2d, Charles the 9th, Henry the 3d, Henry the 4th, and Lewis the 13th, will confess, that the interests of the dukes of Montmorency and Guise, queen Catherine de Medicis, the duke of Epernon, la Fosseuse, Madame de Guiche, de Gabriele, d'Entragues, the marechal d'Ancre, the constable de Luines, and the cardinal de Richelieu, were more to be considered by those who had any private or public business to treat at court, than the opinions of those princes, or the most weighty concernments of the state; so it cannot be denied, that other kingdoms where princes legally have, or wrongfully usurp the like power, are governed in the like manner; or if it be, there is hardly any prince's reign that will not furnish abundant proof of what I have asserted.

I agree with our author, that "good order and stability produce strength." If monarchy, therefore, excel in them, absolute monarchies should be of more strength than those that are limited according to the proportion of their riches, extent of territory, and number of people that they govern; and those limited monarchies in the like proportion more strong than popular governments or commonwealths. If this be so, I wonder how a few of "those giddy Greeks who," according to our author, "had learning enough only to make them seditious," came to overthrow those vast armies of the Persians as often

as they met with them; and seldom found any other difficulty than what did arise from their own countrymen, who sometimes sided with the barbarians. Seditions are often raised by a little parting; but when one man was to fight against fifty or a hundred, as at the battles of Salamins, Platea, Marathon, and others, then industry, wisdom, skill, and valour, were required; and if their learning had not made them to excel in those virtues, they must have been overwhelmed by the prodigious multitudes of their enemies. This was so well known to the Persians, that when Cyrus the younger prepared to invade his brother Artaxerxes,* he brought together indeed a vast army of Asiatics; but chiefly relied upon the counsel and valour of ten thousand Grecians, whom he had engaged to serve him. These giddy heads, accompanied with good hands, in the great battle near Babylon, found no resistance from Artaxerxes' army; and when Cyrus was killed by accident in the pursuit of the victory they had gained, and their own officers treacherously murdered, they made good their retreat into Greece under the conduct of Zenophon, in despite of above four hundred thousand horse and foot, who endeavoured to oppose them. They were destitute of horse, money, provisions, friends, and all other help, except what their wisdom and valour furnished them; and thereupon relying, they passed over the bellies of all the enemies that ventured to appear against them in a march of a thousand miles. These things were performed in the

* Plut. vit. Artax.

weakness of popular confusion; but Agesilaus not being sensible of so great defects, accompanied only with six and thirty Spartans, and such other forces as he could raise upon his personal credit, adventured without authority or money to undertake a war against that great king Artaxerxes; and having often beaten Pharnabazus and Tissaphernes, his lieutenants was preparing to assault him in the heart of his kingdom, when he was commanded by the ephori to return for the defence of his own kingdom.

It may in like manner appear strange, that Alexander, with the forces of Greece, much diminished by the Phocean, Peloponnesian, Theban, and other intestine wars, could overthrow all the powers of the east, and conquer more provinces than any other army ever saw; if so much order and stability were to be found in absolute monarchies, and if the liberty in which the Grecians were educated did only fit them for seditions; and it would seem no less astonishing, that Rome and Greece, whilst they were free, should furnish such numbers of men excelling in all moral virtues, to the admiration of all succeeding ages; and thereby become so powerful that no monarchs were able to resist them; and that the same countries since the loss of their liberty, have always been weak, base, cowardly, and vicious, if the same liberty had not been the mother and nurse of their virtue, as well as the root of their power.

It cannot be said that Alexander was a monarch in our author's sense; for the power of the Macedo-

nian kings was small. Philip confessed the people were freemen, and his son found them to be so, when his fortune had overthrown his virtue, and he fell to hate and fear that generosity of spirit which it creates. He made his conquests by it, and loved it as long as he deserved to be loved. His successors had the same fortune; when their hearts came to be filled with barbaric pride, and to delight only in rendering men slaves, they became weak and base, and were easily overthrown by the Romans, whose virtue and fortune did also perish with their liberty. All the nations they had to deal with, had the same fate. They never conquered a free people without extreme difficulty: they received many great defeats, and were often necessitated to fight for their lives against the Latins, Sabines, Tuscans, Samnites, Carthaginians, Spaniards; and in the height of their power found it a hard work to subdue a few poor Etolians: but the greatest kings were easily overcome. When Antiochus had insolently boasted that he would cover Greece and Italy with the multitude of his troops, Quincius Flaminius ingeniously compared his army of Persians, Chaldeans, Syrians, Mesopotamians, Cappadocians, Arabians, and other base Asiatic slaves,* to a supper set before him by a Grecian friend, which seeming to be of several sorts of venison, was all cut out of one hog, variously dressed; and not long after was as easily slaughtered as the hog had been. The greatest danger of the war with Mithridates was to avoid his poisons and

* Plut. in vit. Q. Flamim.

treacheries; and to follow him through the deserts where he fled.* When Lucullus, with less than twenty thousand men, had put Tigranes, with two hundred thousand, to flight, the Roman soldiers, who for a while had pursued the chace, stood still on a sudden, and fell into loud laughter at themselves for using their arms against such wretched cowardly slaves. If this be not enough to prove the falsehood of our author's proposition, I desire it may be considered, whether good order or stability be wanting in Venice: whether Tuscany be in a better condition to defend itself since it fell under the power of the Medices, or when it was full of free cities: whether it were an easy work to conquer Switzerland: whether the Hollanders are of greater strength since the recovery of their liberty, or when they groaned under the yoke of Spain: and lastly, whether the intire conquest of Scotland and Ireland, the victories obtained against the Hollanders when they were in the height of their power, and the reputation to which England did rise in less than five years after 1648, be good marks of the instability, disorder, and weakness of free nations: and if the contrary be true, nothing can be more absurdly false than our author's assertion.

* Plaut. in vit. Lucul.

SECTION XII.

THE GLORY, VIRTUE, AND POWER, OF THE ROMANS, BEGAN AND ENDED WITH THEIR LIBERTY.

AMONG many fine things proposed by our author, I see none more to be admired, or that better declares the soundness of his judgment, than that he is only pleased with the beginning and end of the Roman empire; and says, "that their time of liberty (between those two extremes) had nothing of good in it, but that it was of short continuance:" whereas I dare affirm, that all that was ever desirable, or worthy of praise and imitation in Rome, did proceed from its liberty, grow up, and perish with it: which I think will not be contradicted by any, but those who prefer the most sordid vices before the most eminent virtues; who believe the people to have been more worthily employed by the Tarquins in cleansing jakes and common sewers, than in acquiring the dominion of the best part of mankind; and account it better for a people to be oppressed with hard labour, under a proud master, in a sterile, unhealthy ten-mile territory, than to command all the countries that lie between the Euphrates and Britain. Such opinions will hardly find any better patrons than Filmer and his disciples, nor the matters of fact, as they are represented, be denied by any that know the histories of those times. Many Romans may

have had seeds of virtue in them, whilst in the infancy of that city they lived under kings; but they brought forth little fruit. Tarquin, surnamed the Proud, being a Grecian by extraction, had perhaps observed, that the virtue of that nation had rendered them averse to the divine government he desired to set up; and having by his well-natured Tullia, poisoned his own brother, her husband, and his own wife, her sister, married her, killed her father, and spared none that he thought able to oppose his designs; to finish the work, he butchered the senate, with such as seemed most eminent among the people, and, like a most pious father, endeavoured to render the city desolate: during that time they who would not be made instruments of those villainies were obliged, for their own safety, to conceal their virtues; but he being removed, they shined in their glory. Whilst he reigned, Brutus, Valerius, Horatius, Herminius, Lartius, and Coriolanus lay hid and unregarded; but when they came to fight for themselves, and to employ their valour for the good of their country, they gave such testimonies of bravery, as have been admired by all succeeding ages; and settled such a discipline, as produced others like to them, or more excellent than they, as long as their liberty lasted. In two hundred and sixty years that they remained under the government of kings, though all of them, the last only excepted, were chosen by the senate and people, and did as much to advance the public service as could reasonably be expected from them, their dominion hardly extended so far as from London to Hounslow: but in little more than three

hundred years after they recovered their liberty, they had subdued all the warlike nations of Italy, destroyed vast armies of the Gauls, Cimbri, and Germans, overthrown the formidable power of Carthage, conquered the Cisalpine and Transalpine Gauls, with all the nations of Spain, notwithstanding the ferocity of the one, and the more constant valour of the other, and the prodigious multitudes of both: they had brought all Greece into subjection, and by the conquest of Macedon the spoils of the world to adorn their city; and found so little difficulty in all the wars that happened between them and the greatest kings after the death of Alexander of Epirus, and Pyrrhus, that the defeats of Syphax, Perseus, Antiochus, Prusias, Tigranes, Ptolemy, and many others, did hardly deserve to be numbered amongst their victories.

It were ridiculous to impute this to chance, or to think that fortune, which of all things is the most variable, could for so many ages continue the same course, unless supported by virtue; or to suppose, that all these monarchies, which are so much extolled, could have been destroyed by that commonwealth, if it had wanted strength, stability, virtue, or good order. The secret counsels of God are impenetrable; but the ways by which he accomplishes his designs are often evident: when he intends to exalt a people, he fills both them and their leaders with the virtues suitable to the accomplishment of his end; and takes away all wisdom and virtue from those he resolves to destroy. The

pride of the Babylonians and Assyrians fell through the baseness of Sardanapalus; and the great city was taken while Belshazzar lay drunk amongst his whores: the empire was transported to the Persians and Grecians by the valour of Cyrus, Alexander, and the brave armies that followed them. Histories furnish us with innumerable examples of this kind: but I think none can be found of a cowardly, weak, effeminate, foolish, ill-disciplined people, that have ever subdued such as were eminent in strength, wisdom, valour, and good discipline; or that these qualities have been found or subsisted any where, unless they were cultivated and nourished by a well ordered government. If this, therefore, was found among the Romans, and not in the kingdoms they overthrow, they had the order and stability which the monarchies had not; and the strength and virtue by which they obtained such success was the product of them. But if this virtue, and the glorious effects of it, did begin with liberty, it did also expire with the same. The best men that had not fallen in battle were gleaned up by the proscriptions, or circumvented for the most part by false and frivolous accusations. Mankind is inclined to vice, and the way to virtue is so hard, that it wants encouragement; but when all honours, advantages, and preferments, are given to vice, and despised virtue finds no other reward than hatred, persecution, and death, there are few who will follow it. Tacitus well describes the state of the empire, when the power was absolutely fallen into the hands of

one: * "*Italia novis cladibus, vel post longam seculorum seriem repetitis, afflicta; urbis incendiis vastata, consumtis antiquissimis delubris, ipso capitotio civium manibus incenso; pollutæ ceremoniæ; magna adulteria; plenum exiliis mare; infecti cædibus scopuli; atrocius in urbe sævitum; nobilitas, opes, omissi vel gesti honores pro crimine, & ob virtutes certissimum exitium.*" His following words shew, that the rewards of those abominations were not less odious than the things themselves: the highest dignities were bestowed upon the "*delatores*," who were a kind of rogues like to our Irish witnesses, or those that by a new coined word we call "*trepanners*." This is not a picture drawn by a vulgar hand, but by one of the best painters in the world; and being a model that so much pleases our author, it is good to see what it produced. The first fruit was such an intire degeneracy from all good, that Rome may be justly said never to have produced a brave man since the first age of her slavery. Germanicus and Corbulo were born "*expirante libertate;*" and the recompence they received did so little encourage others to follow their example, that none have been found in any degree like to them; and those of the most noble families applied themselves to sleep, laziness, and luxury, that they might not be suspected to be better than their masters. Thraseas, Soranus, and Helvidius, were worthy men, who resolved to persist

* C. Tacit. hist. l. i. c. 2.

in their integrity, though they should die for it: but that was the only thing that made them eminent; for they were of unknown families, not Romans by birth, nor ever employed in war: and those emperors who did arrive to any degree of virtue, were Spaniards, Gauls, Africans, Thracians, and of all nations except Romans. The patrician and plebeian families, which for many ages had filled the world with great commanders, and such as excelled in all virtues, being thus extinguished or corrupted, the common people fell into the lowest degree of baseness:* "*Plebs sordida circo & theatris sueta.*" That people which in magnanimity surpassed all that have been known in the world; who never found any enterprize above their spirit to undertake, and power to accomplish, with their liberty lost all their vigour and virtue. They who by their votes had disposed of kingdoms and provinces, fell to desire nothing but to live and see plays.

.....Duas tantum res anxius optat,
Panem & Circenses.†.....

Whether their emperors were good or bad, they usually rejoiced at their death, in hopes of getting a little money or victuals from the successor. Though the empire was by this means grown weak and bloodless, yet it could not fall on a sudden: so vast a body could not die in a moment: all the neighbouring nations had been so much broken by their

* C. Tacit. hist. l. i. c. 4. † Juven. Sat. x. ver. 80.

power, that none was able to take advantage of their weakness; and life was preserved by the strength of hungry barbarians, allured by the greatness of the pay they received to defend those, who had no power left to defend themselves. This precarious and accidental help could not be durable. They who for a while had been contented with their wages, soon began to think it fit for them rather to fight for themselves, than for their weak masters; and thereupon fell to set up emperors depending on themselves, or to seize upon the naked provinces, where they found no other difficulty than to contend with other strangers, who might have the like design upon the same. Thus did the armies of the east and west set up emperors at their pleasure; and though the Goths, Vandals, Huns, Sueves, Alans, and others, had cruel wars among themselves, yet they feared and suffered little or nothing from the Romans. This state of things was so soon observed, that in the beginning of Tiberius' reign they who endeavoured to excite the Gauls to take arms, used no other arguments than such as were drawn from the extreme weakness of the Romans, "*Quam inops Italia, plebs urbana imbellis, nihil in exercitibus validum præter externum.*"* It was evident, that after the battles of Phillippi and Actium, the strength of the Roman armies consisted of strangers; and even the victories that went under their name were gained by those nations which in the time of their liberty they had subdued. They had nothing left

* C. Tacit. An. iii. c. 40.

but riches gathered out of their vast dominions; and they learned by their ruin, that an empire acquired by virtue could not long be supported by money. They who by their valour had arrived at such a height of glory, power, greatness, and happiness, as was never equalled, and who in all appearance had nothing to fear from any foreign power, could never have fallen, unless their virtue and discipline had decayed, and the corruption of their manners had excited them to turn their victorious swords into their own bowels. Whilst they were in that flourishing condition, they thought they had nothing more to desire than continuance: but if our author's judgment is to be followed, there was "nothing of good in it, except the shortness of its continuance." They were beholden to those who wrought the change; they were the better for the battles of Pharsalia, Phillippi, Munda, and Actium; the destruction of two-thirds of the people, with the slaughter of all the most eminent men among them was for their advantage: the proscriptions were wholesome remedies. Tacitus did not understand the state of his own country, when he seems to be ashamed to write the history of it,* "*Nobis in arcto & inglorius labor;*" when instead of such glorious things as had been atchieved by the Romans, whilst either the senate, or the common people prevailed, he had nothing left to relate,† but "*sæva jussa, continuas accusationes, fallaces amicitias, perniciem innocentium:*" they enjoyed nothing that

* Annal. l. iv. c. 32. † c. 33.

was good from the expulsion of the Tarquins to the re-establishment of divine absolute monarchy in the persons of those pious fathers of the people, Tiberius, Caligula, Claudius, Nero, Galba, Otho, Vitellius, &c. There was no virtue in the Junii, Horatii, Cornelii, Quintii, Decii, Manlii; but the generous and tender-hearted princes before mentioned were perfect examples of it: whilst annual magistrates governed, there was no stability; Sejanus, Macro, and Tigellinus, introduced good order: virtue was not esteemed by the ancient senate and people. Messalina, Agrippina, Poppæa, Narcissus, Pallas, Vinnius, and Laco, knew how to put a just value upon it. The irregularities of popular assemblies and want of prudence in the senate, were repaired by the temperate proceedings of the German, Pannonian, and eastern armies, or the modest discretion of the Pretorian bands; the city was delivered by them from the burden of governing the world, and for its own good frequently plundered, fired, and at last, with the rest of desolated Italy, and the noblest provinces of Europe, Asia, and Africa, brought under the yoke of the most barbarous and cruel nations. By the same light we may see, that those who endeavoured to perpetuate the misery of liberty to Rome, or lost their lives in the defence of it, were the worst, or the most foolish of men; and that they were the best who did overthrow it. This rectifies all our errors; and if the highest praises are due to him that did the work, the next are well deserved by those who perished in attempting it: and if the sons of Brutus, with their companions the Vi-

tellii and Acquilii, Claudius Appius the Decemvir, those that would have betrayed the city to Porsenna; Spurius Melius, Spur. Cassius, Manlius Capitolinus, Saturninus, Catiline, Cethegus, Lentulus, had been as fortunate as Julius Cæsar, they might as well have deserved an apotheosis. But if all this be false, absurd, bestial, and abominable, the principles that necessarily lead us to such conclusions are so also; which is enough to shew, that the strength, virtue, glory, wealth, power, and happiness of Rome, proceeding from liberty, did rise, grow, and perish with it.

SECTION XIII.

THERE IS NO DISORDER OR PREJUDICE IN CHANGING THE NAME OR NUMBER OF MAGISTRATES, WHILST THE ROOT AND PRINCIPLE OF THEIR POWER CONTINUES INTIRE.

In the next place, our author would persuade us, that the Romans were inconstant, because of their changes from annual consuls to military tribunes, decemviri, and dictators; and gives the name of sedition to the complaints made against usury, or the contests concerning marriages or magistracy: but I affirm,

1. That no change of magistracy, as to the name, number, or form, doth testify irregularity, or bring any manner of prejudice, as long as it is done by those who have a right of doing it, and he or they who are created, continue within the power of the law to accomplish the end of their institution; many forms being in themselves equally good, and may be used as well one as another, according to times, and other circumstances.

2. In the second place, it is a rare thing for a city at the first to be rightly constituted: men can hardly at once foresee all that may happen in many ages, and the changes that accompany them ought to be provided for. Rome in its foundation was subject to these defects, and the inconveniences arising from them were by degrees discovered and remedied. They did not think of regulating usury, till they saw the mischiefs proceeding from the cruelty of usurers; or setting limits to the proportion of land that one man might enjoy, till the avarice of a few had so far succeeded, that their riches were grown formidable, and many by the poverty to which they were reduced became useless to the city. It was not time to make a law, that the Plebeians might marry with the Patricians, till the distinction had raised the Patricians to such pride, as to look upon themselves to have something of divine, and the others to be "*inauspicati*" or "profane," and brought the city into danger by that division; nor to make the Plebeians capable of being elected to the chief magistracies,

till they had men able to perform the duties of them. But these things being observed, remedies were seasonably applied without any bloodshed or mischief, though not without noise and wrangling.

3. All human constitutions are subject to corruption, and must perish, unless they are timely renewed, and reduced to their first principles: this was chiefly done by means of those tumults which our author ignorantly blames: the whole people, by whom the magistracy had been at first created, executed their power in those things which comprehend sovereignty in the highest degree, and brought every one to acknowledge it: there was nothing that they could not do, who first conferred the supreme honours upon the Patricians, and then made the Plebeians equal to them. Yet their modesty was not less than their power or courage: and therefore when by the law they might have made a Plebeian consul, they did not chuse one in forty years; and when they did make use of their right in advancing men of their own order, they were so prudent, that they cannot be said to have been mistaken in their elections three times whilst their votes were free: whereas, of all the emperors that came in by usurpation, pretence of blood from those who had usurped, or that were set up by the soldiers, or a few electors, hardly three can be named who deserve that honour, and most of them were such as seemed to be born for plagues to mankind.

4. He manifests his fraud or ignorance in attributing the legislative power sometimes to the senate,

and sometimes to the people; for the senate never had it. The stile of "*Senatus censuit*, *populus jussit*," was never altered; but the right of advising continuing in the senate, that of enacting ever continued in the people.

5. An occasion of commending absolute power, in order to the establishment of hereditary monarchy, is absurdly drawn from their custom of creating a dictator in time of danger; for no man was ever created, but such as seemed able to bear so great a burden, which in hereditary governments is wholly left to chance. Though his power was great, it did arise from the law; and being confined to six months, it was almost impossible for any man to abuse it, or to corrupt so many of those who had enjoyed the same honour, or might aspire to it, as to bring them for his pleasure to betray their country; and as no man was ever chosen who had not great testimonies of his virtues, so no one did ever forfeit the good opinion conceived of him. Virtue was then honoured, and thought so necessarily to comprehend a sincere love and fidelity to the commonwealth, that without it the most eminent qualities were reputed vile and odious, and the memory of former services could no way expiate the guilt of conspiring against it. The seeming severity was in truth the greatest clemency: for though our author has the impudence to say, that during the "Roman liberty the best men thrived worst, and the worst best;" he cannot alledge one example of any eminent Roman put to death, except Manlius Capitolinus, from the expulsion of the Tarquins to the

time of the Gracchii, and the civil wars not long after ensuing: and of very few who were banished. By these means crimes were prevented; and the temptations to evil being removed, treachery was destroyed in the root; and such as might be naturally ambitious, were made to see there was no other way to honour and power than by acting virtuously.

But lest this should not be sufficient to restrain aspiring men, what power soever was granted to any magistrate, the sovereignty still remained in the people, and all without exception were subject to them. This may seem strange to those who think the dictators were absolute, because they are said to have been "*sine provocatione;*" but that is to be only understood in relation to other magistrates, and not to the people, as is clearly proved in the case of Q. Fabius,* whom Papirius the dictator would have put to death: "*Tribunos plebis appello,*" says Fabius Maximus' father, "*& provoco ad populum, eumque tibi fugienti exercitus tui, fugienti senatus judicium judicem fero; qui certe unus plusquam tua dictatura potest polletque; videro, cessurusne sis provocationi, cui Tullus Hostilius cessit.*" And though the people did rather intercede for Fabius than command his deliverance, that modesty did evidently proceed from an opinion that Papirius was in the right; and though they desired to save Fabius, who seems to have been one of the greatest

* T. Liv. l. viii. c. 33.

and best men that ever the city produced, they would not enervate that military discipline, to which they owed, not only their greatness, but their subsistence; most especially when their sovereign authority was acknowledged by all, and the dictator himself had submitted.* This right of appeals to the people was the foundation of the Roman commonwealth, laid in the days of Romulus, submitted to by Hostilius in the case of Horatius, and never violated, till the laws and liberty which they supported, were overthrown by the power of the sword. This is confirmed by the speech of Metellus the tribune, who in the time of the second Carthaginian war, causelessly disliking the proceedings of Q. Fabius Maximus then dictator, in a public assembly of the people said, "*Quod si antiquus animus plebi Romanæ esset, se audacter laturum de abrogando Q. Fabii imperio; nunc modicam rogationem promulgaturum, de æquando magistri equitum & dictatoris jure:*"† which was done; and that action, which had no precedent, shews that the people needed none, and that their power, being eminently above that of all magistrates, was obliged to no other than that of their own will. Though I do therefore grant, that a power like to the dictatorian, limited in time, circumscribed by law, and kept perpetually under the supreme authority of the people, may, by virtuous and well disciplined nations, upon some occasions, be prudently granted to a virtuous man, it can have no relation to our author's monarch,

* T. Liv. l. i. c. 26. † T. Liv. l. xxii. c. 25.

whose power is in himself, subject to no law, perpetually exercised by himself, and for his own sake, whether he have any of the abilities required for the due performance of so great a work, or be entirely destitute of them; nothing being more unreasonable than to deduce consequences from cases, which in substance and circumstances are altogether unlike: but to the contrary, these examples shewing that the Romans, even in the time of such magistrates as seemed to be most absolute, did retain and exercise the sovereign power, do most evidently prove, that the government was ever the same remaining in the people, who without prejudice might give the administration to one or more men, as may best please themselves; and the success shews, that they did it prudently.

SECTION XIV.

NO SEDITION WAS HURTFUL TO ROME, TILL THROUGH THEIR PROSPERITY SOME MEN GAINED A POWER ABOVE THE LAWS.

LITTLE pains is required to confute our author, who imputes much bloodshed to the popular government of Rome; for he cannot prove that one man was unjustly put to death, or slain, in any sedition before Publius Gracchus. The foundations of the

commonwealth were then so shaken, that the laws could not be executed; and whatsoever did then fall out, ought to be attributed to the monarchy for which the great men began to contend. Whilst they had no other wars than with neighbouring nations, they had a strict eye upon their commanders, and could preserve discipline among the soldiers: but when by the excellence of their valour and conduct the greatest powers of the world were subdued, and, for the better carrying on of foreign wars, armies were suffered to continue in the same hands longer than the law did direct, soldiery came to be accounted a trade, and those who had the worst designs against the commonwealth, began to favour all manner of licentiousness and rapine, that they might gain the favour of the legions, who by that means became unruly and seditious: it was hard, if not impossible, to preserve a civil equality, when the spoils of the greatest kingdoms were brought to adorn the houses of private men; and they who had the greatest cities and nations to be their dependants and clients, were apt to scorn the power of the law. This was the most dangerous disease, like to those to which human bodies are subject, when they are arrived to that which physicians call the athletic habit, proceeding from the highest perfection of health, activity, and strength, that the best constitution by diet and exercise can attain. Whosoever falls into them, shews that he had attained that perfection; and he who blames that which brings a state into the like condition, condemns that which is most perfect among men. Whilst the Romans

were in the way to this, no sedition did them any hurt: they were composed without blood; and those that seemed to be the most dangerous, produced the best laws. But when they were arrived to that condition, no order could do them good; the fatal period set to human things was come; they could go no higher:

> ....." Summisque negatum
> " Stare diu."*

And all that our author blames, is not to be imputed to their constitution, but their departing from it. All men were ever subject to error; and it may be said, that the mistaken people in the space of about three hundred years did unjustly fine or banish five or six men; but those mistakes were so frankly acknowledged, and carefully repaired by honours bestowed upon the injured persons, as appears by the examples of Camillus, Livius Salinator, Paulus Emilius, and others, that they deserve more praise than if they had not failed.

If for the abovementioned times seditions were harmless or profitable, they were also absolutely exempted from civil wars. Those of Apulia and Greece were revolts of conquered nations, and can no way fall under that name: but it is most absurdly applied to the servile and gladiatorian wars; for the gladiators were slaves also, and civil wars can be made only by those who are members of the civil society, which slaves are not. Those that made

* Lucan. l. i.

the "*bellum sociale*," were freemen, but not citizens; and the war they made could not be called civil. The Romans had three ways of dealing with conquered nations.

1. Some were received into the body of the city, "*civitate donati*," as the Latins by Romulus; the Albans by Hostilius; the Privernates, when their embassador declared that no peace could be durable unless it were just and easy, and the senate said, "*Se viri & liberi vocem audivisse, talesque dignos esse ut Romani fiant;*"* and the like favour was shewn to many others.

2. By making leagues with them, as Livy says, "*Populum Romanum devictos bello populos, malle fide & societate habere conjunctos, quam tristi subjectos servitio:*"† of which sort were the Samnites, who, not liking their condition, joined with Hannibal; and afterwards, under the conduct of the brave Telesinus, with other nations that lived under the condition of "*socii*," made an unprosperous attempt to deliver themselves.

3. Those who after many rebellions were "*in provinciam redacti*," as the Capuans, when their city was taken by Appius Claudius, and Q. Fulvius Flaccus.

We often hear of wars made by those of the two latter sorts; but of none that can be called civil, till

* Liv. l. viii. c. 21. † Lib. xxvi. c. 49.

the times of Marius, Sylla, and Cataline: and as they are to be esteemed the last strugglings of expiring liberty, when the laws, by which it had subsisted, were enervated; so those that happened between Cæsar and Pompey, Octavius and Antonius, with the proscriptions, triumvirate, and all the mischiefs that accompanied them, are to be imputed wholly to the monarchy for which they contended, as well as those between Nero, Galba, Otho, Vitellius, and Vespasian, that hardly ever ceased till the empire was abolished; for the name of a commonwealth continued to the end; and I know not why Tiberius or Nero might not use it as well as Sylla or Marius.

Yet if our author be resolved to impute to popular government all that passed before Cæsar had made himself perpetual dictator, he will find no more than is seen in all places. We have known few small states, and no great one, free from revolts of subjects or allies; and the greatest empire of the east was overthrown by the rebellion of the Mamelukes their slaves. If there is any difference to be observed between what happened at Rome, it is chiefly, that whilst there was any shadow of liberty, the slaves, gladiators, subjects or allies, were always beaten and suppressed; whereas in the time of the emperors the revolt of a province was sufficient to give a new master to the best part of mankind; and he having no more power than was required for a present mischief, was, for the most part, in a short time, destroyed by another. But to please our author, I will acknowledge a second defect, even that

wantonness to which he ascribes all their disorders; though I must withal desire him to consider from whence wantonness doth proceed. If the people of Turkey or France did rebel, I should think they were driven to it by misery, beggary, or despair; and could lay wantonness only to the charge of those who enjoy much prosperity. Nations that are oppressed and made miserable, may fall into rage, but can never grow wanton. In the time of the Roman emperors, the Pretorian cohorts, or the armies that had the liberty of ravaging the richest provinces, might be proud of their strength, or grow wanton through the abundance of their enjoyments: the Janizaries in latter ages, may for the same reasons, have fallen into the like excesses; but such as have lost their liberty are in no danger of them. When all the nobility of Rome was destroyed, and those who excelled in reputation or virtue, were fallen in the wars, or by the proscriptions; when two-thirds of the people were slain, the best cities and colonies burnt, the provinces exhausted, and the small remains left in them oppressed with a most miserable slavery, they may have revolted, and sometimes did, as the Britons, Batavians, and others mentioned in the Roman history: but they were driven to those revolts by fury and necessity, arising from the miseries and indignities they suffered under an insupportable tyranny; and wantonness had no part in them. The people of Rome, when they were a little freed from the terror of the soldiers, did sometimes for the same reasons conspire against the emperors; and when they could do no more, expressed their hatred by

breaking their statues: but after the battles of Pharsalia, Phillippi, and the proscriptions, they never committed any folly through wantonness. In the like manner Naples and Sicily have revolted within these few years; and some who are well acquainted with the state of those kingdoms, think them ready again to do the like; but if it should so happen, no man of understanding would impute it to wantonness. The pressures under which they groan, have cured them of all such diseases; and the Romans since the loss of their liberty could never fall into them. They may have grown wanton when their authority was reverenced, their virtue admired, their power irresistible, and the riches of the world were flowing in upon them, as it were, to corrupt their manners, by enticing them to pleasure: but when all that was lost, and they found their persons exposed to all manner of violence from the basest of men; their riches exhausted by tributes and rapine, whilst the treasures of the empire were not sufficient to supply the luxury of their masters; the misery they suffered, and the shame of suffering it, with the contemptible weakness to which they were reduced, did too strongly admonish them, that the vices of wantonness belonged only to those who enjoyed a condition far different from theirs; and the memory of what they had lost, sharpened the sense of what they felt. This is the state of things which pleases our author; and by praising that government which deprived those who were under it of all that is most desirable in the world, and in-

troduced all that ought to be detested, he sufficiently shews, that he delights only in that which is most abominable, that would introduce his admired absolute monarchy only as an instrument of bringing vice, misery, devastation, and infamy upon mankind.

SECTION XV.

THE EMPIRE OF ROME PERPETUALLY DECAYED WHEN IT FELL INTO THE HANDS OF ONE MAN.

In pursuance of his design our author, with as much judgment as truth, denies that Rome became mistress of the world under the popular government: "It is not so," says he, "for Rome began her empire under kings, and did perfect it under emperors: it did only increase under that popularity: her greatest exaltation was under Trajan, and longest peace under Augustus." For the illustration of which, I desire these few things may be considered.

1. That the first monarchy of Rome was not absolute: the kings were made by the people without regard to any man's title, or other reason than the common good, chusing him that seemed most likely to procure it; setting up at the same time a senate consisting of a hundred of the most eminent men among them; and, after the reception of the Sabines

into the city, adding as many more to them, and committing the principal part of the government to their care, retaining the power of making those laws to which the kings who reigned by their command were subject, and reserving to themselves the judgment of all great matters upon appeal. If any of their kings deserved to be called a monarch, according to Filmer's definition, it was the last Tarquin; for he alone of all their kings reigned not "*jussu populi*,"* but came in by treachery and murder. If he had continued, he had cured the people of all vices proceeding from wantonness; but his farthest conquest was of the small town of Gabii ten miles distant from Rome, which he effected by the fraud of his detestable son; and that being then the utmost limit of the Roman empire, must deserve to be called the world, or the empire of it was not gained by their kings.

2. The extent of conquests is not the only nor the chief thing that ought to be considered in them; regard is to be had to the means whereby they are made, and the valour or force that was employed by the enemy. In these respects not only the overthrow of Carthage, and the conquests of Spain, but the victories gained against the Sabines, Latins, Tuscans, Samnites, and other valiant nations of Italy, who most obstinately defended their liberty, when the Romans had no forces but their own, shew more virtue, and deserve incomparably more praise,

* T. Liv. l. ii.

than the defeats of any nations whatsoever, when they were increased in number, riches, reputation, and power, and had many other warlike people instructed in their discipline, and fighting under their ensigns. But I deny that the Romans did ever make any considerable acquisition after the loss of their liberty. They had already subdued all Italy, Greece, Macedon, the islands of the Mediterranean Sea, Thracia, Illyrium, Asia the less, Pontus, Armenia, Syria, Egypt, Africa, Gaul, and Spain. The forces of Germany were broken; a bridge laid over the Rhine, and all the countries on this side subdued. This was all that was ever gained by the valour of their own forces, and that could bring either honour or profit. But I know of no conquest made after that time, unless the name of conquest be given to Caligula's expedition, when he said he had subdued the sea, in making an useless bridge from Puteoli to Baiæ; or that of the other fool, who entered Rome in triumph, for having gathered shells on the sea-shore. Trajan's expedition into the east was rather a journey than a war: he rambled over the provinces that Augustus had abandoned as not worth keeping, and others that had nothing to defend them, but ill-armed and unwarlike barbarians: upon the whole matter, he seems to have been led by curiosity; and the vanity of looking upon them as conquests, appears in their being relinquished as soon as gained. Britain was easily taken from a naked and unskilful, though a brave people; hardly kept, and shamefully lost. But though the emperors had made greater wars than the

commonwealth, vanquished nations of more valour and skill than their Italian neighbours, the Grecians or Carthaginians; subdued and slaughtered those that in numbers and ferocity had exceeded the Cimbri, Gauls, and Teutons, encountered captains more formidable than Pyrrhus and Hannibal, it might indeed increase the glory of him that should have done it, but could add nothing of honour or advantage to the Roman name: the nobility was extirpated long before, the people corrupted and enslaved, Italy lay desolate, so as a Roman was hardly to be found in a Roman army, which was generally composed of such, as fighting for themselves or their commander, never thought of any thing less than the interest of Rome: and as it is impossible that what is so neglected and betrayed, should be durable, that empire which was acquired by the valour and conduct of the bravest and best disciplined people of the world, decayed and perished in the hands of those absolute monarchs, who ought to have preserved it.

3. Peace is desirable by a state that is constituted for it, who contenting themselves with their own territories, have no desires of enlarging them: or perhaps it might simply deserve praise, if mankind were so framed that a people intending hurt to none could preserve themselves: but the world being so far of another temper that no nation can be safe without valour and strength, those governments only deserve to be commended, which by discipline and exercise increase both, and the Roman above

all, that excelled in both. Peace therefore may be good in its season, and was so in Numa's reign: yet two or three such kings would have encouraged some active neighbours to put an end to that aspiring city, before its territory had extended beyond Fidenæ. But the discipline that best agreed with the temper and designs of a warlike people, being renewed by his brave successors, the dangers were put on their enemies; and all of them, the last only excepted, persisting in the same way, did reasonably well perform their duty. When they were removed, and the affairs of the city depended no longer upon the temper or capacity of one man, the ends for which the city was constituted were vigorously pursued, and such magistrates annually chosen, as would not long continue in an universal peace, till they had gotten the empire to which they aspired, or were by ill-fortune brought to such a weakness, as to be no longer able to make war. Both of these happened in the so much magnified reign of Augustus. He found the empire so great, that all additions might rationally be rejected as useless or prejudicial; and Italy so exhausted, that wars could only be carried on by the strength of strangers: it was time to lie still, when they had no power to act; and they might do it safely, whilst the reputation gained by former victories preserved them from foreign invasions. When Crassus, Pompey, and Cæsar, who had torn the commonwealth into three monarchies, were killed, and the flower of the Roman nobility and people destroyed with them, or by them; when Cato's virtue had proved too weak to support a falling state, and Brutus with Cassius

had perished in their noble attempt to restore their liberty; when the best part of the senate had been exposed for a prey to the vultures and wolves of Thessaly, and one hundred and thirty of those who deserved the hatred of tyrants, and had escaped the fury of war, had been destroyed by the proscriptions; when neither captains nor soldiers remained in the desolate city; when the tyrant abhorred and feared all those who had either reputation or virtue, and by the most subtile arts endeavoured so to corrupt or break the spirits of the remaining people, that they might not think of their former greatness, or the ways of recovering it; we ought not to wonder, that they ceased from war. But such a peace is no more to be commended, than that which men have in the grave; as in the epitaph of the marquis Trivultio, seen at Milan, "*Qui nunquam quievit, quiescit. Tace.*" This peace is in every wilderness: the Turks have established it in the empty provinces of Asia and Greece. Where there are no men, or if those men have no courage, there can be no war. Our ancestors the Britons observed, that the peace which in that age the Romans established in the provinces, consisted in the most wretched slavery and solitude:* "*Miserrimam servitutem pacem appellant.*" And in another place, "*solitudinem faciunt, pacem vocant.*" This is the peace the Spaniards settled in their dominions of the West-Indies, by the destruction of† forty millions of souls: the coun-

* C. Tacit. hist. l. iv. c. 17 et Agric. vit. c. 30.

† Barth. de las casas destruvc. de las Indias.

tries were very quiet, when wild beasts only were left to fight in them, or a few miserable wretches, who had neither strength nor courage to resist their violence. This was the peace the Romans enjoyed under Augustus: a few of those who made themselves subservient to his pleasure, and ministers of the public calamities, were put into a flourishing condition; but the rest pined, withered, and never recovered. If yet our author will have us to think the liberty and people of Rome obliged to Augustus, who procured such a peace for them, he ought to remember, that, besides what they suffered in settling it, they paid dear for it even in the future; for Italy was thereby so weakened, as never to recover any strength or virtue to defend itself; but depending absolutely upon barbarous nations, or armies composed of them, was ravaged and torn in pieces by every invader.

4. That peace only is to be valued, which is accompanied with justice; and those governments only deserve praise, who put the power into the hands of the best men. This was wholly wanting during the reigns of Augustus and his successors. The worst of men gained the sovereignty by alliance, fraud, or violence, and advanced such as most resembled themselves. Augustus, was worse in the beginning than in the latter end of his reign; but his bloody and impure successor grew every day more wicked as long as he lived: whilst he sat upon the rocks at Capreæ with his Chaldeans, he meditated nothing but lust or mischief, and had Sejanus and Marco

always ready to execute his detestable designs. Caligula could find none equal to himself in all manner of villanies; but favoured those most, who were likest to him. Claudius' stupidity, drunkenness, and subjection to the fury of two impudent strumpets and manumised slaves, proved as hurtful to the empire, as the savage fury of his predecessor. Though Nero was a monster that the world could not bear, yet the raging soldiers killed Galba, and gave the empire to Otho, for no other reason, than that he had been the companion of his debauches, and of all men was thought most to resemble him: with them all evils came in like a flood; and their successors finding none so bad as themselves, but the favourites, whores, and slaves, that governed them, would suffer no virtue to grow up; and filled the city with a base, lewd, and miserable rabble, that cared for nothing beyond stage-plays and bread. Such a people could not be seditious; but Rome had been desolate, if they had not thus filled it. And though this temper and condition of a people may please our author, yet it was an incurable wound to the state, and in consequence to the best part of the world.

When the city had been burnt by the Gauls, it was soon restored; the defeats of Ticinum, Trebia, Thrasymene, and Cannæ, were repaired with equal or greater victories: the war of the allies ended in their overthrow: the fury of the gladiators was extinguished with their blood: the commonwealth lost battles, but was never conquered in any war; and

in the end triumphed over all that had contended with them. Whilst liberty continued, it was the nurse of virtue; and all the losses suffered in foreign or civil wars were easily recovered: but when liberty was lost, valour and virtue was torn up by the roots, and the Roman power proceeding from it perished.

I have not dwelt so long upon this point to expose the folly of our author, but to shew, that the above mentioned evils did proceed from a permanent cause, which will always produce the like effects; and histories testify, that it hath done the same in all places. Carthage was re-built, after it had been destroyed by Scipio, and continued to be a rich city for almost a thousand years; but produced no such men as Amilcar, Asdrubal and Hannibal: Cleomenes and Euclidas were the last that deserved to be called Spartans: Athens never had an eminent man, after it felt the weight of the Macedonian yoke: and Philopemen was the last of the Achaians. Though the commonwealths of Italy in later ages, having too much applied themselves to the acquisition of money, and wanted that greatness of spirit which had reigned in their ancestors, yet they have not been without valour and virtue. That of Pisa was famous for power at sea, till the Genoeses overthrew them. Florence had a brave nobility, and a stout people. Arezzo, Pistoia, Cortona, Sienna, and other small towns of Tuscany, were not without strength, though for the most part unhappily exercised in the factions of Ghibelins and Guelphs, Neri and Bianchi, that divided all Italy; but since the introduction of

Filmer's divine absolute monarchy, all power, virtue, reputation, and strength, is utterly perished from among them, and no man dares to oppose the public mischiefs. They usually decide private quarrels by assassination or poison; and in other respects they enjoy the happiness of that peace which is always found within empty walls and desolated countries: and if this be according to the laws of God and nature, it cannot be denied, that weakness, baseness, cowardice, destruction, and desolation, are so likewise. These are the blessings our well-natured author would confer upon us; but if they were to be esteemed so, I cannot tell why those that felt them, complained so much of them. Tacitus, reciting what passed in his time, and somewhat before (for want of a christian spirit) in the bitterness of his soul, says, "*Nec unquam atrocioribus populi Romani cladibus, magisque justis indiciis probatum est, non esse curæ Deis securitatem nostram, esse ultionem.*"* Some thought that no punishments could be justly deserved by a people that had so much favoured virtue; others, that even the gods they adored, envied their felicity and glory; but all confessed they were fallen from the highest pitch of human happiness into the lowest degree of infamy and misery: and our author being the first that ever found they had gained by the change, we are to attribute the discovery of so great a secret to the excellency of his wisdom. If suspending my judgment in this point, till it be proved by better autho-

* C. Tacit. l. i. c. 3. hist.

rity than his word, I in the mean time follow the opinion of those who think slavery doth naturally produce meanness of spirit, with its worst effect, flattery, which Tacitus calls "*fœdum servitutis crimen*;* I must believe, that the impudence of carrying it to such a height, as to commend nothing in the most glorious liberty, that made the most virtuous people in the world, but the shortness of its continuance, and to prefer the tyranny of the basest of men, or worst of monsters, is peculiar to Filmer; and that their wickedness, which had never been equalled, is surpassed by him, who recommends as the ordinance of God, the principles that certainly produce them.

"But," says our author, "though Rome was for a while miraculously upheld in glory by a greater prudence than its own, yet in a short time, after manifold alterations, she was ruined by her own hand." But it is absurd to say, that the overthrow of a government which had nothing of good in it, can be a ruin; or that the glory in which it continued, had nothing of good in it; and most of all, that it could be ruined by no hands but its own, if that glory had not been gained, and immediately or instrumentally supported by such virtue and strength as is worthily to be preferred before all other temporal happiness, and does ever produce it. This shews that liars ought to have good memories. But passing over such foolish contradictions, I desire to know,

* H. l. i. c. 1.

how that " prudence greater than its own," (which, till I am better informed, I must think to be inseparably united to justice and goodness) came miraculously to support a government, which was not only evil in itself, as contrary to the laws of God and nature, but so perpetually bent against that monarchy, which he says is according to them, as to hate all monarchs, despise all that would live under them, destroy as many of them as came within their reach, and make a law by which any man was authorized to kill him who should endeavour to set up this divine power among them. Moreover, no human prudence preserved the Roman glory but their own: the others directly set themselves to oppose it, and the most eminent fell under it. We know of no prudence surpassing the human, unless it be the divine: but the divine prudence did never miraculously exert itself, except to bear witness to the truth, and to give authority to those that announced it. If therefore the glory of this popular government was miraculously supported by a more than human prudence, it was good in itself; the miracles done in favour of it did testify it, and all that our author says against it is false and abominable.

If I lay aside the word " miraculous," as put in by chance, it will be hard to know how God (who in the usual course of his providence guides all things by such a gentle and undiscerned power, that they seem to go on of themselves) should give such virtue to this popular government, and the magistrates bred up under it, that the greatest monarchs

of the earth were as dust before them, unless there had been an excellency in their discipline, far surpassing that of their enemies; or how that can be called ill in its principle, and said to comprehend no good, which God did so gloriously support, and no man was ever able to resist. This cannot be better answered than by our author's citation, "*Suis & ipsa Roma viribus ruit;*" that city which had overthrown the greatest powers of the world must, in all appearance, have lasted for ever, if their virtue and discipline had not decayed, or their forces been turned against themselves. If our author therefore say true, the greatest good that ever befell the Romans, was the decay of their virtue and discipline; and the turning of their own arms against themselves was not their ruin but their preservation.

When they had brought the warlike nations of Italy into subjection, or association; often repressed the fury of the Gauls, Cimbri, and Teutons; overthrown the wealth, power, and wit of Carthage, supported by the skill, industry, and valour of Hannibal, and his brave relations; almost extirpated the valiant Spaniards, who would no other way be subdued; defeated Philip, Perseus, Antiochus, Gentius, Syphax, and Jugurtha; struck an awe into Ptolemy; avoided the snares and poisons of Mithridates; followed him in his flights, revenged his treacheries, and carried their victorious arms beyond his conquered kingdoms to the banks of Tygris; when neither the revolt of their Italian associates, nor the rebellion of their slaves led by Spartacus (who in skill seems to

have been equal to Hannibal, and above him in courage) could put a stop to their victories: when Greece had been reduced to yield to a virtue rather than a power greater than their own, we may well say that government was supported by more than human prudence, which led them through virtue to a height of glory, power, and happiness, that till that day had been unknown to the world, and could never have been ruined, if by the decay of that virtue they had not turned their victorious arms against themselves. That city was a giant that could die by no other hand than his own; like Hercules poisoned and driven into madness, after he had destroyed thieves, monsters, and tyrants, and found nothing on the earth able to resist him. The wisest of men in ancient times, looking upon this as a point of more than human perfection, thought, or feigned to think, that he was descended from the gods, and at his death received into their number; though perhaps Filmer would prefer a weak, base, and effeminate slave before him. The matter will not be much different, if we adhere to the aforementioned similitude of the athletic habit; for the danger proceeds only from the perfection of it, and he who dislikes it, must commend that weakness and vice which may perish, but can never be changed into any thing worse than itself, as those that lie upon the ground can never fall. However, this fall of the Romans, which our author, speaking truth against his will, calls their ruin, was into that which he recommends as the ordinance of God, which is as much as to say, that they were ruined when they fell from their own un-

natural inventions to follow the law of God, and of nature; that luxury also through which they fell, was the product of their felicity; and that the nations that had been subdued by them, had no other way of avenging their defeats, than by alluring their masters to their own vices: this was the root of their civil wars. When that proud city found no more resistance, it grew wanton.

.....Sævior armis
Luxuria incubuit, victumque ulciscitur orbem.
LUCAN.

Honest poverty became uneasy, when honours were given to ill-gotten riches. This was so monarchical, that a people infected with such a custom must needs fall by it. They who by vice had exhausted their fortunes, could repair them only by bringing their country under a government that would give impunity to rapine; and such as had not virtue to deserve advancement from the senate and people, would always endeavour to set up a man that would bestow the honours that were due to virtue, upon those who would be most abjectly subservient to his will and interests. When men's minds are filled with this fury, they sacrifice the common good to the advancement of their private concernments. This was the temper of Catiline expressed by Sallust, "*Luxuria principi gravis, paupertas vix a privato toleranda;*"* and this put him upon that desperate extremity to say, "*Incendium meum ruina extin-*

* Sallust. bel. Catalin.

guam." Others in the same manner being filled with the same rage, he could not want companions in his most villanous designs. It is not long since a person of the highest quality, and no less famous for learning and wit, having observed the state of England, as it stood not many years ago, and that to which it has been reduced since the year sixty, as is thought very much by the advice and example of France, said, that they now were taking a most cruel vengeance upon us for all the overthrows received from our ancestors, by introducing their most damnable maxims, and teaching us the worst of their vices. It is not for me to determine whether this judgment was rightly made or not; for I intend not to speak of our affairs: but all historians agreeing that the change of the Roman government was wrought by such means as I have mentioned; and our author acknowledging that change to have been their ruin, as in truth it was, I may justly conclude, that the overthrow of that government could not have been a ruin to them, but good for them, unless it had been good; and that the power which did ruin it, and was set up in the room of it, cannot have been according to the laws of God or nature, for they confer only that which is good, and destroy nothing that is so; but must have been most contrary to that good which was overthrown by it.

SECTION XVI.

THE BEST GOVERNMENTS OF THE WORLD HAVE BEEN COMPOSED OF MONARCHY, ARISTOCRACY, AND DEMOCRACY.

Our author's cavils concerning I know not what vulgar opinions that democracies were introduced to curb tyranny, deserve no answer; for our question is, whether one form of government be prescribed to us by God and nature, or we are left according to our own understanding, to constitute such as seem best to ourselves. As for democracy, he may say what pleases him of it; and I believe it can suit only with the convenience of a small town, accompanied with such circumstances as are seldom found. But this no way obliges men to run into the other extreme, inasmuch as the variety of forms between mere democracy and absolute monarchy is almost infinite; and if I should undertake to say, there never was a good government in the world, that did not consist of the three simple species of monarchy, aristocracy, and democracy, I think I might make it good. This at the least is certain, that the government of the Hebrews, instituted by God, had a judge, the great sanhedrim, and general assemblies of the people. Sparta had two kings, a senate of twenty-eight chosen men, and the like assemblies: all the Dorian cities had a chief magistrate, a senate, and occasional assemblies: the Ionian, Athens, and

others, had an archon, the areopagi; and all judgments concerning matters of the greatest importance, as well as the election of magistrates, were referred to the people. Rome in the beginning had a king and a senate, whilst the election of kings, and judgments upon appeals, remained in the people; afterwards consuls representing kings, and vested with equal power, a more numerous senate, and more frequent meetings of the people. Venice has at this day a duke, the senate of the "*pregadi*," and the great assembly of the nobility, which is the whole city, the rest of the inhabitants being only "*incolæ*," not "*cives*;" and those of the other cities or countries are their subjects, and do not participate of the government. Genoa is governed in like manner: Luca not unlike to them. Germany is at this day governed by an emperor, the princes or great lords in their several precincts, the cities by their own magistrates, and by general diets, in which the whole power of the nation resides, and where the emperor, princes, nobility, and cities, have their places in person, or by their deputies. All the northern nations, which, upon the dissolution of the Roman empire, possessed the best provinces that had composed it, were under that form which is usually called the Gothic polity: they had king, lords, commons, diets, assemblies of estates, cortez, and parliaments, in which the sovereign powers of those nations did reside, and by which they were exercised. The like was practised in Hungary, Bohemia, Sweden, Denmark, Poland; and if things are changed in some of these places within a few years, they must give better

proofs of having gained by the change than are yet seen in the world, before I think myself obliged to change my opinion.

Some nations, not liking the name of king, have given such a power as kings enjoyed in other places to one or more magistrates, either limited to a certain time, or left to be perpetual, as best pleased themselves: others, approving the name, made the dignity purely elective. Some have in their elections principally regarded one family as long as it lasted: others considered nothing but the fitness of the person, and reserved to themselves a liberty of taking where they pleased. Some have permitted the crown to be hereditary, as to its ordinary course; but restrained the power, and instituted officers to inspect the proceedings of kings, and to take care that the laws were not violated: of this sort were the ephori of Sparta, the *maires du palais*, and afterwards the constable of France; the justicia in Arragon; rijckshofmeister in Denmark; the high-steward in England; and in all places such assemblies as are before-mentioned under several names, who had the power of the whole nation. Some have continued long, and it may be always in the same form; others have changed it: some, being incensed against their kings, as the Romans exasperated by the villanies of Tarquin, and the Tuscans by the cruelties of Mezentius, abolished the name of king: others, as Athens, Sicyon, Argos, Corinth, Thebes, and the Latins, did not stay for such extremities; but set up other governments

when they thought it best for themselves, and by this conduct prevented the evils that usually fall upon other nations, when their kings degenerate into tyrants, and a nation is brought to enter into a war by which all may be lost and nothing can be gained which was not their own before. The Romans took not this salutary course; the mischief was grown up before they perceived, or set themselves against it; and when the effects of pride, avarice, cruelty, and lust, were grown to such a height, that they could no longer be endured, they could not free themselves without a war: and whereas upon other occasions their victories had brought them increase of strength, territory, and glory; the only reward of their virtue in this was, to be delivered from a plague they had unadvisedly suffered to grow up among them. I confess this was most of all to be esteemed; for if they had been overthrown, their condition under Tarquin would have been more intolerable than if they had fallen under the power of Pyrrhus or Hannibal; and all their following prosperity was the fruit of their recovered liberty: but it had been much better to have reformed the state after the death of one of their good kings, than to be brought to fight for their lives against that abominable tyrant. Our author, in pursuance of his aversion to all that is good, disapproves this; and, wanting reasons to justify his dislike, according to the custom of impostors and cheats, hath recourse to the ugly terms of a "back-door, sedition," and "faction:" as if it were not as just for a people to lay aside their kings

when they receive nothing but evil, and can rationally hope for no benefit by them, as for others to set them up in expectation of good from them. But if the truth be examined, nothing will be found more orderly than the changes of government, or of the persons and races of those that governed, which have been made by many nations. When Pharamond's grandson seemed not to deserve the crown he had worn, the French gave it to Meroveus, who more resembled him in virtue: in process of time when this race also degenerated, they were rejected, and Pepin advanced to the throne; and the most remote in blood of his descendants having often been preferred before the nearest, and bastards before the legitimate issue, they were at last all laid aside; and the crown remains to this day in the family of Hugh Capet, on whom it was bestowed upon the rejection of Charles of Lorrain. In like manner the Castilians took Don Sancho, surnamed the Brave, second son to Alphonso the Wise, before Alphonso el Desheredado, son of the elder brother Ferdinand. The states of Arragon preferred Martin, brother to John the 1st, before Mary his daughter, married to the count de Foix, though females were not excluded from the succession; and the house of Austria now enjoys that crown from Joan, daughter to Ferdinand. In that and many other kingdoms, bastards have been advanced before their legitimate brothers. Henry count of Trastamara, bastard to Alphonso the 11th king of Castile, received the crown as a reward of the good service he had done to his country against his brother Peter the Cruel, without

any regard had to the house of La Cerda descended from Alphonso el Desheredado, which to this day never enjoyed any greater honour than that of duke de Medina Celi. Not long after, the Portuguese, conceiving a dislike of their king Ferdinand, and his daughter, married to John king of Castile, rejected her and her uncle by the father's side, and gave the crown to John, a knight of Calatrava, and bastard to an uncle of Ferdinand their king. About the beginning of this age the Swedes deposed their king Sigismund for being a papist, and made Charles his uncle king. Divers examples of the like nature in England have been already mentioned. All these transportations of crowns were acts performed by assemblies of the three estates in the several kingdoms; and these crowns are to this day enjoyed under titles derived from such as were thus brought in by the deposition or rejection of those, who according to descent of blood had better titles than the present possessors. The acts therefore were lawful and good, or they can have no title at all; and they who made them, had a just power so to do.

If our author can draw any advantage from the resemblance of regality that he finds in the Roman consuls, and Athenian archons, I shall without envy leave him the enjoyment of it; but I am much mistaken if that do not prove my assertion, that those governments "were composed of the three simple species:" for if the monarchical parts was in them, it cannot be denied that the aristocratical was in the

senate or arcopagi, and the democratical in the people. But he ought to have remembered, that if there was something of monarchical in those governments when they are said to have been popular, there was something of aristocratical and democratical in those that were called regal; which justifies my proposition on both sides, and shews, that the denomination was taken from the part that prevailed; and if this were not so, the governments of France, Spain, and Germany, might be called democracies, and those of Rome and Athens monarchies, because the people have a part in the one, and an image of monarchy was preserved in the other.

If our author will not allow the cases to be altogether equal, I think he will find no other difference, than that the consuls and archons were regularly made by the votes of the consenting people, and orderly resigned their power, when the time was expired for which it was given; whereas Tarquin, Dionysius, Agathocles, Nabis, Phalaris, Cæsar, and almost all his successors, whom he takes for complete monarchs, came in by violence, fraud and corruption, by the help of the worst men, by the slaughter of the best, and most commonly (when the method was once established) by that of his predecessor, who, if our author say true, was the father of his country, and his also. This was the root and foundation of the only government that deserves praise; this is that which stamped the divine character upon Agathocles, Dionysius and Cæsar, and that had bestowed the same upon Manlius, Marius, or Cataline, if they

had gained the monarchies they affected. But I suppose that such as God has blessed with better judgment and a due regard to justice and truth, will say, that all those who have attained to such greatness as destroys all manner of good in the places where they have set up themselves by the most detestable villanies, came in by a "back-door;" and that such magistrates as were orderly chosen by a willing people, were the true shepherds who came in by the gate of the sheepfold, and might justly be called the ministers of God, so long as they performed their duty in providing for the good of the nations committed to their charge.

SECTION XVII.

GOOD GOVERNMENTS ADMIT OF CHANGES IN THE SUPERSTRUCTURES, WHILST THE FOUNDATIONS REMAIN UNCHANGEABLE.

If I go a step farther, and confess the Romans made some changes in the outward form of their government, I may safely say they did well in it, and prospered by it. After the expulsion of the kings, the power was chiefly in the nobility, who had been leaders of the people; but it was necessary to humble them, when they began to presume too

much upon the advantages of their birth; and the city could never have been great, unless the plebeians, who were the body of it, and the main strength of their armies, had been admitted to a participation of honours. This could not be done at the first: they who had been so vilely oppressed by Tarquin, and harrassed with making or cleansing sinks, were not then fit for magistracies, or the command of armies; but they could not justly be excluded from them, when they had men who in courage and conduct were equal to the best of the patricians; and it had been absurd for any man to think it a disparagement to him to marry the daughter of one whom he had obeyed as dictator or consul, and perhaps followed in his triumph. Rome, that was constituted for war and sought its grandeur by that means, could never have arrived to any considerable height, if the people had not been exercised in arms, and their spirits raised to delight in conquests, and willing to expose themselves to the greatest fatigues and dangers to accomplish them. Such men as these were not to be used like slaves, or oppress by the unmerciful hand of usurers. They who by their sweat and blood were to defend and enlarge the territories of the state, were to be convinced they fought for themselves; and they had reason to demand a magistracy of their own, vested with a power that none might offend, to maintain their rights, and to protect their families, whilst they were abroad in the armies. These were the tribunes of the people, made as they called it, "*sacrosancti*," or inviolable; and the creation of them was the most considerable change that

happened till the time of Marius, who brought all into disorder. The creation or abolition of military tribunes with consular power, ought to be accounted as nothing; for it imported little whether that authority were exercised by two, or by five: that of the decemviri was as little to be regarded, they were intended only for a year; and though new ones were created for another, on pretence that the laws they were to frame could not be brought to perfection in so short a time, yet they were soon thrown down from the power they usurped, and endeavoured to retain contrary to law: the creation of dictators was no novelty, they were made occasionally from the beginning, and never otherwise than occasionally, till Julius Cæsar subverted all order, and invading that supreme magistracy by force,* usurped the right which belonged to all. This indeed was a mortal change even in root and principle. All other magistrates had been created by the people for the public good, and always were within the power of those that had created them. But Cæsar coming in by force, sought only the satisfaction of his own raging ambition, or that of the soldiers, whom he had corrupted to destroy their country: and his successors governing for themselves, by the help of the like rascals, perpetually exposed the empire to be ravaged by them. But whatever opinion any man may have of the other changes, I dare affirm, there are few or no monarchies (whose histories are so well known to us as that of Rome) which have not suffered changes in-

* Jura omnium in se traxit. Suet.

comparably greater and more mischievous than those of Rome, whilst it was free. The Macedonian monarchy fell into pieces immediately after the death of Alexander. It is thought he perished by poison: his wives, children, and mother, were destroyed by his own captains: the best of those who had escaped his fury, fell by the sword of each other. When the famous Argyraspides might have expected some reward of their labours, and a little rest in old age, they were maliciously sent into the east by Antigonus to perish by hunger and misery, after he had corrupted them to betray Eumenes. No better fate attended the rest; all was in confusion, every one followed whom he pleased, and all of them seemed to be filled with such a rage that they never ceased from mutual slaughters till they were consumed; and their kingdoms continued in perpetual wars against each other, till they all fell under the Roman power. The fortune of Rome was the same after it became a monarchy: treachery, murder, and fury, reigned in every part; there was no law but force; he that could corrupt an army, thought he had a sufficient title to the empire: by this means there were frequently three or four, and at one time thirty several pretenders, who called themselves emperors; of which number he only reigned that had the happiness to destroy all his competitors; and he himself continued no longer than till another durst attempt the destruction of him and his posterity. In this state they remained till the wasted and bloodless provinces were possessed by a multitude of barbarous nations. The kingdoms established by them

enjoyed as little peace or justice; that of France was frequently divided into as many parts as the kings of Meroveus or Pepin's race had children, under the names of the kingdoms of Paris, Orleans, Soissons, Arles, Burgundy, Austrasia, and others: these were perpetually vexed by the unnatural fury of brothers or nearest relations, whilst the miserable nobility and people were obliged to fight upon their foolish quarrels, till all fell under the power of the strongest. This mischief was in some measure cured by a law made in the time of Hugh Capet, that the kingdom should no more be divided: but the appanages, as they call them, granted to the king's brothers, with the several dukedoms and earldoms erected to please them, and other great lords, produced frequently almost as bad effects. This is testified by the desperate and mortal factions, that went under the names of Burgundy and Orleans, Armagnac and Orleans, Montmorency and Guise: these were followed by those of the league, and the wars of the Huguenots: they were no sooner finished by the taking of Rochel, but new ones began by the intrigues of the duke of Orleans, brother to Lewis the 13th, and his mother; and pursued with that animosity by them, that they put themselves under the protection of Spain: to which may be added, that the houses of Condé, Soissons, Montmorency, Guise, Vendosme, Angouleme, Bouillon, Rohan, Longueville, Rochfoucault, Epernon, and I think I may say every one that is of great eminency in that kingdom, with the cities of Paris, Bourdeaux, and many others, in the space of these

last fifty years, have sided with the perpetual enemies of their own country.

Again, other great alterations have happened within the same kingdom: the races of kings four times wholly changed: five kings deposed in less than one hundred and fifty years after the death of Charles the Great: the offices of *maire du palais*, and constable, erected and laid aside: the great dukedoms and earldoms, little inferior to sovereign principalities, established and suppressed: the decision of all causes, and the execution of the laws, placed absolutely in the hands of the nobility, their deputies, seneschals, or vice-seneschals, and taken from them again: parliaments set up to receive appeals from the other courts, and to judge sovereignly in all cases expressly to curb them: the power of these parliaments, after they had crushed the nobility, brought so low, that within the last twenty years they are made to register, and give the power of laws, to edicts, of which the titles only are read to them; and the general assemblies of estates, that from the time of Pepin had the power of the nation in their hands, are now brought to nothing, and almost forgotten.

Though I mention these things, it is not with a design of blaming them, for some of them deserve it not; and it ought to be considered that the wisdom of man is imperfect, and unable to foresee the effects that may proceed from an infinite variety of accidents, which according to emergencies necessa-

rily require new constitutions to prevent or cure the mischiefs arising from them, or to advance a good that at the first was not thought on: and as the noblest work in which the wit of man can be exercised, were (if it could be done) to constitute a government that should last forever, the next to that is to suit laws to present exigencies, and so much as is in the power of man to foresee: and he that should resolve to persist obstinately in the way he first entered upon, or to blame those who go out of that in which their fathers had walked, when they find it necessary, does, as far as in him lies, render the worst of errors perpetual. Changes therefore are unavoidable, and the wit of man can go no farther than to institute such, as in relation to the forces, manners, nature, religion, or interests of a people, and their neighbours, are suitable and adequate to what is seen, or apprehended to be seen: and he who would oblige all nations at all times to take the same course, would prove as foolish as a physician who should apply the same medicine to all distempers, or an architect that would build the same kind of house for all persons, without considering their estates, dignities, the number of their children or servants, the time or climate in which they live, and many other circumstances; or which is, if possible, more sottish, a general who should obstinately resolve always to make war in the same way, and to draw up his army in the same form, without examining the nature, number, and strength of his own and his enemies forces, or the advantages and disadvantages of the ground. But as there may be some

universal rules in physic, architecture, and military discipline, from which men ought never to depart; so there are some in politics also which ought always to be observed: and wise legislatures adhering to them only, will be ready to change all others as occasion may require, in order to the public good. This we may learn from Moses, who laying the foundation of the law given to the Israelites in that justice, charity, and truth, which having its root in God is subject to no change, left them the liberty of having judges or no judges, kings or no kings, or to give the sovereign power to high-priests or captains, as best pleased themselves; and the mischiefs they afterwards suffered, proceeded not simply from changing, but changing for the worse. The like judgment may be made of the alterations that have happened in other places. They who aim at the public good, and wisely institute means proportionable and adequate to the attainment of it, deserve praise; and those only are to be disliked, who either foolishly or maliciously set up a corrupt private interest in one or a few men. Whosoever therefore would judge of the Roman changes, may see, that in expelling the Tarquins, creating consuls, abating the violence of usurers, admitting plebeians to marry with the patricians, rendering them capable of magistracies, deducing colonies, dividing lands gained from their enemies, erecting tribunes to defend the rights of the commons, appointing the decemviri to regulate the law, and abrogating their power when they abused it, creating dictators and military tribunes with a consular power, as occasions

required; they acted in the face of the sun for the good of the public; and such acts having always produced effects suitable to the rectitude of their intentions, they consequently deserve praise. But when another principle began to govern, all things were changed in a very different manner: evil designs, tending only to the advancement of private interests, were carried on in the dark by means as wicked as the end. If Tarquin, when he had a mind to be king, poisoned his first wife and his brother, contracted an incestuous marriage with his second by the death of her first husband, murdered her father, and the best men in Rome, yet Cæsar did worse: he favoured Cataline, and his villanous associates; bribed and corrupted magistrates; conspired with Crassus and Pompey; continued in the command of an army beyond the time prescribed by law, and turned the arms with which he had been entrusted for the service of the commonwealth, to the destruction of it; which was rightly represented by his dream, that he had construprated his mother: in the like manner, when Octavius, Antonius, and Lepidus, divided the empire, and then quarrelled among themselves; and when Galba, Otho, Vitellius, and Vespasian, set up parties in several provinces, all was managed with treachery, fraud, and cruelty; nothing was intended but the advancement of one man, and the recompence of the villains that served him: and when the empire had suffered infinite calamities by pulling down or rejecting one, and setting up another, it was for the most part dif-

ficult to determine who was the worst of the two; or whether the prevailing side had gained or lost by the victory. The question therefore upon which a judgment may be made to the praise or dispraise of the Roman government, before or after the loss of their liberty, ought not to be, whether either were subject to changes, for neither they nor any thing under the sun were ever exempted from them; but whether the changes that happened after the establishment of absolute power in the emperors, did not solely proceed from ambition, and tend to the public ruin: whereas those alterations related by our author concerning consuls, dictators, decemviri, tribunes, and laws, were far more rare, less violent, tending to and procuring the public good, and therefore deserving praise. The like having been proved by the examples of other kingdoms, and might be farther confirmed by many more, which on account of brevity I omit, is in my opinion sufficient to manifest, that whilst the foundation and principle of a government remains good, the superstructures may be changed according to occasions, without any prejudice to it.

SECTION XVIII.

XENOPHON IN BLAMING THE DISORDERS OF DEMOCRACIES, FAVOURS ARISTOCRACIES, NOT MONARCHIES.

In the next place our author introduces Xenophon "disallowing popular governments;" cites Rome and Athens as places "where the best men thrived the worst, and the worst best;" and condemns the Romans for making it capital to pass sentence "of death, banishment, or loss of liberty, or stripes, upon any citizen of Rome." But lest his fraud in this should be detected, he cites no precise passage of any author, alledges few examples, and those mistaken; never tells us what that law was, when made, or where to be found: whereas I hope to prove, that he has upon the whole matter abominably prevaricated, and advanced things that he knows to be either impertinent or false.

1. To this end we are in the first place to consider, whether Xenophon speaks of popular governments simply, or comparatively: if simply, it is confessed that a pure democracy can never be good, unless for a small town; if comparatively, we must examine to what he compares it: we are sure it was not to an absolute monarchy; there was no such thing amongst the Greeks established by law: the little tyrants who had enslaved their own countries,

as Jasons Pheræus, Phalaris, and the like, had no pretence to it, and were accounted as the worst of beasts: none but such as in all bestiality were like to them, did ever speak or think well of them: Xenophon's opinion in this point, may be easily found out by what passed between his master Plato and the Sicilian tyrant: and the matter will not be mended by referring to his own experience: he had seen the vast monarchy of Persia torn in pieces by the fury of two brothers, and more than a million of men brought to fight upon their private quarrel: instead of that order, stability and strength, which our author ascribes to absolute monarchy, as the effect of wisdom and justice, he knew, that by filling one man with pride and cruelty, it brought unspeakable miseries upon all others, and infected them with all the vices that accompany slavery: men lived like fishes; the great ones devoured the small; and as appeared by Tissaphernes, Pharnabazus, and others with whom he had to deal, the worst and basest were made to be the greatest: the satrapæ insulted over those of meaner rank with an insolence and cruelty that equalled the depth of their servile submission to their proud master. Luxury and avarice reigned in all: many great nations were made to live for the service of one man, and to foment his vices. This produced weakness and cowardice: no number of those slaves were able to stand against a few free Grecians. No man knew this better than Xenophon, who, after the death of Cyrus the younger, and the treacherous murder of Clearchus, and other officers that commanded the Greeks who had served him, made his

retreat from Babylon to the Hellespont with ten thousand foot, and passed over the bellies of all that dared to oppose him. He would never have spent his life in exciting his countrymen to attempt the conquest of Asia, nor persuaded Agesilaus to put himself at the head of the enterprize, if he had thought there was such admirable order, stability and strength in that monarchy, and in the Greeks nothing but "giddiness of spirit, and so much learning as made them seditious:" nor could he, being a wise man, and an excellent captain, have conceived such a design, if he had not by experience found, that liberty inspired his countrymen with such solid virtue, and produced such stability, good order and strength, that with small numbers of them he might hope to overthrow the vain pomp of the barbarians, and to possess himself of their riches though they could bring more than a hundred men to fight against one; which design being interrupted in his time by domestic wars, was soon after his death accomplished by Alexander.

But that Xenophon's meaning may be better understood, it is good to consider, that he spoke of such governments as were then in use among the Greeks; which, though mixed, yet took their denomination from the prevailing part: so that the Dorians, who placed the power chiefly in the hands of a few chosen men, were said to be governed aristocratically; and the Ionians giving more power to the common people, democratically: and he, though an Ionian, either through friendship to Agesilaus,

conversation with the Spartans, or for other reasons best known to himself, preferred the government of Sparta, or some other which he thought he could frame, and desired to introduce, before that of Athens; as Cimon, Thucydides, and many other excellent men of that city, are said to have done: and if I acknowledge they were in the right, and that Athens was more subject to disorder, and had less stability than Sparta, I think it will be of little advantage to absolute monarchy.

2. The Athenians did banish some worthy men, and put others to death; but our author, like the devil, never speaking truth, unless to turn it into a lie, prevaricates in his report of them. The temporary banishment which they called "ostracism," was without hurt or dishonour, never accounted as a punishment, nor intended for any other end than to put a stop to the too eminent greatness of a man, that might prove dangerous to the city; and some excellent persons who fell under it, were soon recalled and brought home with glory. But I am not solicitous whether that reason be sufficient to justify it or not: we are upon a general thesis relating to the laws of God and nature; and if the Athenians, by a fancy of their own, did make an imprudent use of their liberty, it cannot prejudice the public cause. They who make the worst of it can only say, that by such means they for a time deprived themselves of the benefits they might have received from the virtues of some excellent men, to the hurt of none but themselves; and the application of it as an in-

justice done to Themistocles is absolutely false :* he was a man of great wit, industry, and valour, but of uncertain faith, too much addicted to his own interest, and held a most dangerous correspondence with the Persians, who then threatened the destruction of Greece. Through envy and spite to Aristides, and to increase his own power, he raised dangerous factions in the city; and being summoned to render an account of his proceedings, he declined the judgment of his country, fled to their enemies, and justly deserved the sentence pronounced against him. Some among them were unjustly put to death, and above all Socrates; but the people, who deceived by false witnesses (against whom neither the laws of God or man have ever prescribed a sufficient defence) had condemned him, did so much lament their crime, when the truth was discovered to them, that I doubt whether a more righteous judgment had given better testimony of their righteous intentions. But our author's imprudence appears in the highest excess in imputing the death of Phocion to the popular state of Athens: their forces had been broken in the Sicilian war; and the city taken, and the principal men slain by Lysander; the remains of the most worthy destroyed by the thirty tyrants set up by him; their ill-recovered liberty overthrown by the Macedonians, and the death of Phocion compassed by Polyperchon, who with foreign soldiers, slaves, vagabonds, and out-laws, overpowered the people.

* Plut. in vita Themist.

The proceedings of Rome may be more completely justified: Coriolanus was duly condemned: he set too great a price upon his own valour, and arrogated to himself a power in Rome, which would hardly have been endured in Corioli: his violence and pride overbalanced his services; and he that would submit to no law, was justly driven from the society which could subsist only by law. Quintius was not unlike him, and Manlius Capitolinus far worse than either. Their virtues were not to be considered when they departed from them. Consideration ought to be had of human frailty, and some indulgence may be extended to those who commit errors, after having done important services; but a state cannot subsist which, compensating evil actions with good, gives impunity to the most dangerous crimes, in remembrance of any services whatever. He that does well, performs his duty, and ought always so to do; justice and prudence concur in this; and it is no less just than profitable, that every action be considered by itself, and such a reward or punishment allotted to it, as in nature and proportion it doth best deserve.

This, as I suppose, is enough for their cases; but relates not to those of Mamercus Camillus, Livius Salinator, and Emilius, Paulus; their virtue was complete, they were wrongfully sentenced. But the best princes, senate, or people, that ever was in the world, by the deceit of evil men, may and have been drawn out of the way of justice: yet of all the

states that are known to us, none was ever so free from crimes of malice and wilful injustice, none was ever guilty of so few errors as that of Rome; and none did ever give better testimonies of repentance, when they were discovered, than the Romans did by the veneration they shewed to those worthy persons, and the honours they conferred upon them afterwards. * Mamercus was made dictator, to repair the unjust mark of infamy laid upon him by the censors. Camillus being recalled from his banishment, often enjoyed the same honour, and died the most reverenced man that had ever been in that city. Livius Salinator was not only made consul after he had been fined, but the people (as it were to expiate the guilt of having condemned him) suffered that asperity of speech and manners, which might have persuaded such as had been less confident of his virtue, and their own, that he desired to be revenged, though it were with the ruin of the city. † They dealt in like manner with Paulus Emilius, repairing the injury of a fine unduly imposed. Their generosity in leaving the tribunes in the forum with their accusation against Scipio Africanus, and following him to celebrate an annual sacrifice in the capitol, in commemoration of his victory against Hannibal, was no less admirable than the greatness of his mind, who thought his virtue should be so

* T. Liv. iv. c. 31. L. v. c. 32, 46. L. vi. c. 38. L. vii. c. 1. Liv. xxvii. c. 36. & xxxix. c. 37.

† Liv. l. xxxix. c. 56. l. xxxviii. c. 51.

well known, that no account ought to be expected from him; which was an error proceeding from a noble root, but not to be borne in a well-governed commonwealth. The laws that aim at the public good make no distinction of persons; and none can be exempted from the penalties of them, otherwise than by approved innocence, which cannot appear without a trial: he that will not bend his mind to them shakes off the equality of a citizen, and usurps a power above the law, to which no man submits upon any other condition, than that none should be exempted from the power of it. And Scipio being the first Roman that thus disdained the power of the law, I do not know whether the prejudice brought upon the city by so dangerous an example, did not outweigh all the services he had done: nevertheless the people, contented with his retirement to his own house, and afterwards convinced of his innocence, would probably (if he had not died in a few months) have brought him back with the honours that fate reserved for his ashes.

I do not at present remember any other eminent men who can be said in any respect to have "thrived ill," whilst the people and senate of Rome acted freely; and if this be not sufficient to clear the point, I desire to know the names of those "worst men that thrived best." If they may have been judged to thrive, who were frequently advanced to the supreme magistracies, and enjoyed the chief honours; I find no men so eminent as Brutus, Publicola, Quintius, Cincinnatus and Capitolinus, the two

Fabii surnamed Maximi, Corvinus, Torquatus, Camillus, and the like: and if these were the worst men that Rome produced in those ages, valour, wisdom, industry in the service of their country, and a most intire love to it, must have been the worst of qualities; and I presume our author may have thought them so, since they were invincible obstacles to the introduction of that divine monarchy which Appius Claudius the decemvir, Manlius Capitolinus, Spurius Cassius, Sp. Melius, and some others, may be thought to have affected.

However, these instances are not to be understood as they are simply in themselves, but comparatively with what has happened in other places under absolute monarchies: for our inquiry is not after that which is perfect, well knowing that no such thing is found among men; but we seek that human constitution which is attended with the least, or the most probable inconveniencies. And if we find, that in the space of three hundred years, whilst the senate, people, and legally created magistrates, governed Rome, not one worthy man was put to death, not above five or six condemned to fines by that beguiled people, and those injuries repaired by the most honourable satisfaction that could be given; so that virtue continued ever flourishing; the best men that could be found were put into the chief command, and the city was filled with more excellent men than were ever known to be in any other place: and on the other side, if the emperors, so soon as the government was changed, made it their business to de-

stroy the best, and so far succeed in their design, that they left none; and never failed to advance the worst, unless it fell out as to queen Catherine de Medicis, who is said never to have done any good but by mistake, and some few may have proved better than was intended; it will appear, that our author's assertions are in the utmost degree false. Of this we need no better witness than Tacitus. The civil wars, and the proscriptions upon which he touches, are justly to be attributed to that monarchy which was then setting up, the only question being who should be the monarch, when the liberty was already overthrown. And if any eminent men escaped, it was much against the will of those who had usurped the power: he acknowledges his histories to be a continued relation of the slaughter of the most illustrious persons, and that in the times of which he writes, virtue was attended with certain destruction. After the death of Germanicus, and his eldest children, Valerius Asiaticus, Seneca, Corbulo, and an infinite number more who were thought most to resemble them, found this to be true at the expence of their lives: Nero, in pursuance of the same tyrannical design, murdered Helvidius and Thraseas, that he might "tear up virtue by the roots:"* Domitian spared none willingly that had either virtue or reputation; and though Trajan, with perhaps some other, might grow up under him in the remote provinces, yet no good man could escape who came under his eye and was so eminent

* Ipsam exscindere virtutem. Tacit. Hist. xvi. 21.

as to be observed by him. Whilst these, who were thought to be the best men that appeared in the Roman empire, did thrive in this manner, Sejanus, Macro, Narcissus, Pallas, Tigellinus, Icetus, Vinnius, Laco, and others like to them, had the power of the empire in their hands. Therefore, unless mankind has been mistaken to this day, and that these who have hitherto been accounted the worst of villains, were indeed the best men in the world, and that those destroyed by them, who are thought to have been the best, were truly the worst, it cannot be denied, that the best men, during the liberty of Rome, thrived best; that good men suffered no indignity, unless by some fraud imposed upon the well-meaning people; and that so soon as the liberty was subverted, the worst men thrived best. The best men were exposed to so many calamities and snares, that it was thought a matter of great wonder to see a virtuous man die in his bed: and if the account were well made, I think it might appear that every one of the emperors before Titus shed more noble and innocent blood than Rome and all the commonwealths in the world have done whilst they had the free enjoyment of their own liberty. But if any man in favour of our author seek to diminish this vast disproportion between the two different sorts of government, and impute the disorders that happened in the time of the Gracchi and others whilst Rome was struggling for her liberty, to the government of a commonwealth, he will find them no more to be compared with them that fell out afterwards, than the railings of a troublesome

tribune against the senate, to the villanies and cruelties that corrupted and dispeopled the provinces from Babylon to Scotland: and whereas the state never failed to recover from any disorders, as long as the root of liberty remained untouched, and became more powerful and glorious than ever, even after the wars of Marius and Sylla; when that was destroyed, the city fell into a languishing condition, and grew weaker and weaker, till that, and the whole empire were ruined by the barbarians.

3. Our author, to shew that his memory is as good as his judgment, having represented Rome in the times of liberty as a public slaughter-house, soon after blames the clemency of their laws; whereas it is impossible that the same city could at the same time be guilty of those contrary extremities; and no less certain that it was perfectly free from them both. His assertion seems to be grounded upon Cæsar's speech (related by Sallust) in favour of Lentulus and Cethegus, companions of Cataline:* but though he there endeavoured to put the best colour he could upon their cause, it signified only thus much, that a Roman citizen could not be put to death without being heard in public; which law will displease none that in understanding and integrity may not be compared to Filmer and his followers. It is a folly to extend it farther; for it is easily proved, that there was always a power of putting citizens to death, and that it was exercised when occasion re-

* Sallust. bell. Catalin.

quired. The laws were the same in the time of the kings, and when that office was executed by consuls, excepting such changes as are already mentioned. The "*lex perduellionis*," cited by Livy in the case of Horatius, who had killed his sister, continued in force from the foundation to the end of that government: the condemnation was to death; the words of the sentence were these, "*Caput obnubito, infelici arbore reste suspendito; verberato intra pomœrium vel extra pomœrium.*"* He was tried by this law upon an appeal made to the people by his father, and absolved "*admiratione magis virtutis quam jure causæ;*"† which could not have been, if by the law no citizen might be put to death. The sons of Brutus were condemned to death in public, and executed with the Acquilii and Vitelii, their companions in the same conspiracy:‡ Manlius Capitolinus was put to death by the vote of the people:§ Titus Manlius, by the command of his father Torquatus, for fighting without order:‖ two legions were decimated by Appius Cladius:¶ Spurius Melius refusing to appear before the dictator, was killed by Servilius Ahala, general of the horse, and pronounced "*jure cæsum.*"** Quintus Fabius was by Papirius the dictator, condemned to die, and could not have been saved but by the intercession and authority of the people.†† If this be not so, I desire to be informed what the senate meant by condemning Nero to be

* T. Liv. l. i. c. 26. † Liv. l. ii. c. 4, 5. ‡ L. vi. c. 20.
§ L. viii. c. 7. ‖ Liv. l. ii. c. 59. ¶ L. iv. c. 14, 15.
** L. viii. c. 30, 35. †† Tac. Ann. l. xiv. c. 47.

put to death "*more majorum*," if "*more majorum*," no citizen might be put to death: why the consuls, dictators, military tribunes, and decemviri, caused rods and axes to be carried before them, as well within as without the city, if no use was to be made of them. Were they only vain badges of a power never to be executed? or upon whom was the supreme power, signified by them, to be exercised within and without the city, if the citizens were not subject to it? It is strange that a man who had ever read a book of matters relating to the affairs of Rome, should fancy these things; or hope to impose them upon the world, if he knew them to be foolish, false, and absurd. But of all the marks of a most supine stupidity that can be given by a man, I know no one equal to this of our author, who in the same clause wherein he says no citizen could be put to death or banished, adds, that the magistrates were upon pain of death forbidden to do it; for if a magistrate might be put to death for banishing a citizen, or causing him to be executed, a citizen might be put to death; for the magistrates were not strangers, but citizens. If this was not so, he must think that no crime was capital, but the punishment of capital crimes; or that no man was subject to the supreme power, but he that was created for the execution of it. Yet even this will not stop the gap; for the law that condemned the magistrate to die, could be of no effect, if there were no man to execute it; and there could be none if the law prohibited it, or that he who did it was to die for it: and this goes on to infinity. For if a magistrate could not put a citizen to death, I suppose

a citizen could not put to death a magistrate, for he also is a citizen. So that upon the whole matter we may conclude that malice is blind, and that wickedness is madness. It is hard to say more in praise of popular governments than will result from what he says against them: his reproaches are praises, and his praises reproaches. As government is instituted for the preservation of the governed, the Romans were sparing of blood, and are wisely commended by Livy for it: "*Nulli unquam populo mitoris placuere pœnæ;*" which gentleness will never be blamed, unless by those who are pleased with nothing so much as the fury of those monsters, who with the ruin of the best part of mankind, usurped the dominion of that glorious city. But if the Romans were gentle in punishing offences, they were also diligent in preventing them: the excellence of their discipline led the youth to virtue, and the honours they received for recompence confirmed them in it. By this means many of them became laws to themselves; and they who were not the most excellent, were yet taught so much of good, that they had a veneration for those they could not equal, which not only served to incite them to do well according to their talents, but kept them in such awe as to fear incurring their ill opinion by any bad action, as much as by the penalty of the law. This integrity of manners made the laws as it were useless; and, whilst they seemed to sleep, ignorant persons thought there were none: but their discipline being corrupted by prosperity, those vices came in which made way for the mon-

archy; and wickedness being placed in the throne, there was no safety for any but such as would be of the same spirit, and the empire was ruined by it.

SECTION XIX.

THAT CORRUPTION AND VENALITY WHICH IS NATURAL TO COURTS, IS SELDOM FOUND IN POPULAR GOVERNMENTS.

Our author's next work is, with that modesty and truth which is natural to him, to impute corruption and venality to commonwealths. He knows that monarchies are exempted from those evils, and has discovered this truth from the integrity observed in the modern courts of England, France, and Spain, or the more ancient of Rome and Persia: but after many falsehoods in matter of fact, and misrepresentations of that which is true, he shews that the corruption, venality and violence he blames, were neither the effects of liberty, nor consistent with it. Cneius Manlius, who with his Asiatic army brought in the luxury that gave birth to those mischiefs, did probably follow the looseness of his own disposition: yet the best and wisest men of that time knew from the beginning, that it would ruin the city, unless a stop might be put to the course of that evil: but they who had seen kings under their feet, and could

no longer content themselves with that equality which is necessary among citizens, fomented it as the chief means to advance their ambitious designs. Though Marius was rigid in his nature, and cared neither for money nor sensual pleasure, yet he favoured those vices in others, and is said to be the first that made use of them to his advantage. Cataline was one of the lewdest men in the world, and had no other way of compassing his designs than by rendering others as bad as himself: and Cæsar set up his tyranny by spreading that corruption farther than the others had been able to do; and though he, Caligula, and some others, were slain,* yet the best men found it as impossible to restore liberty to the city when it was corrupted, as the worst had done to set up a tyranny whilst the integrity of their manners did continue. Men have a strange propensity to run into all manner of excesses, when plenty of means invite, and there is no power to deter; of which the succeding emperors took advantage, and knowing that even their subsistence depended upon it, they thought themselves obliged by interest as well as inclination to make honours and preferments the rewards of vice; and though it be not always true in the utmost extent, that all men follow the example of the king; yet it is of very great efficacy, though some are so good that they will not be perverted, and others are so bad that they will not be corrected; yet a great number does always follow the course that is favoured and rewarded by those that

* Sen. de Ben. l. ii. c. 20.

govern. There were idolaters doubtless among the Jews in the days of David and Hezekiah; but they prospered better under Jeroboam and Ahab: England was not without papists in the time of queen Elizabeth; but they thrived much better during the reign of her furious sister. False witnesses and accusers had a better trade under Tiberius, who called them "*custodes legum*," than under Trajan, who abhorred them; and whores, players, fidlers, with other such vermin, abounded certainly more when encouraged by Nero, than when despised by Antoninus and Marcus Aurelius. But as every one of these manifested what he was by those he favoured or punished, and that a man can only be judged by his principles or practices, he that would know whether absolute monarchies, or mixed governments, do most foment or punish venality and corruption, ought to examine the principle and practice of both, and compare them one with the other.

As to the principle, the abovementioned vices may be profitable to private men; but they can never be so to the government, if it be popular or mixed: no people was ever the better for that which renders them weak or base; and a duly created magistracy, governing a nation with their consent, can have no interest distinct from that of the public, or desire to diminish the strength of the people, which is their own, and by which they subsist. On the other side, the absolute monarch, who governs for himself, and chiefly seeks his own preservation, looks upon the strength and bravery of his subjects as the root of

his greatest danger, and frequently desires to render them weak, base, corrupt, and unfaithful to each other, that they may neither dare to attempt the breaking of the yoke he lays upon them, nor trust one another in any generous design for the recovery of their liberty. So that the same corruption which preserves such a prince, if it were introduced by a people, would weaken, if not utterly destroy them.

Again, all things have their continuance from a principle in nature suitable to their original: all tyrannies have had their beginnings from corruption. The histories of Greece, Sicily, and Italy, shew that all those who made themselves tyrants in several places, did it by the help of the worst, and the slaughter of the best; men could not be made subservient to their lust whilst they continued in their integrity; so as their business was to destroy those who would not be corrupted. They must therefore endeavour to maintain or increase the corruption by which they attain their greatness: if they fail in this point, they must fall, as Tarquin, Pisistratus, and others have done; but if they succeed so far, that the vicious part do much prevail, the government is secure, though the prince may be in danger. And the same thing does in a great measure accidentally conduce to the safety of his person: for they who for the most part are the authors of great revolutions, not being so much led by a particular hatred to the man, as by a desire to do good to the public, seldom set themselves to conspire against the tyrant, unless he be altogether detestable and intolerable, if they do not hope to overthrow the tyranny.

The contrary is seen in all popular and well mixed governments: they are ever established by wise and good men, and can never be upheld otherwise than by virtue: the worst men always conspiring against them, they must fall, if the best have not power to preserve them. Wheresoever therefore a people is so governed, the magistrates will obviate afar off the introduction of vices, which tend as much to the ruin of their persons and government, as to the preservation of the prince and his. This is evidenced by experience. It is not easy to name a monarch that had so many good qualities as Julius Cæsar, till they were extinguished by his ambition, which was inconsistent with them: he knew that his strength lay in the corruption of the people, and that he could not accomplish his designs without increasing it. He did not seek good men, but such as would be for him; and thought none sufficiently addicted to his interests, but such as stuck at the performance of no wickedness that he commanded: he was a soldier according to Cæsar's heart, who said,

"Pectore si fratris gladium, juguloque parentis,
"Condere me jubeas, gravidæve in viscera partu
"Conjugis, invita peragam tamen omnia dextra."
LUCAN. l. i. v. 376.

And lest such as were devoted to him should grow faint in villainy, he industriously inflamed their fury.

".....Vult omnia certe
"A se sæva peti, vult præmia Martis amari."
Ibid l. v. 307.

Having spread this poison amongst the soldiers, his next work was, by corrupting the tribunes to turn that power to the destruction of the people, which had been erected for their preservation; and pouring the treasures he had gained by rapine in Gaul into the bosom of Curio, made him an instrument of mischief, who had been a most eminent supporter of the laws. Though he was thought to have affected the glory of sparing Cato, and with trouble to have found, that he despised life when it was to be accounted his gift; yet in suspecting Brutus and Cassius, he shewed he could not believe that virtuous men who loved their country could be his friends. Such as carry on the like designs with less valour, wit, and generosity of spirit, will always be more bitterly bent to destroy all that are good, knowing, that the deformity of their own vices is rendered most manifest, when they are compared with the good qualities of those who are most unlike them; and that they can never defend themselves against the scorn and hatred they incur by their vices, unless such a number can be infected with the same, and made to delight in the recompences of iniquity that foment them, as may be able to keep the rest of the people in subjection.

The same thing happens even when the usurpation is not so violent as that of Agathocles, Dionysius, or the last king of Denmark, who in one day by the strength of a mercenary soldiery overthrew all the laws of his country; and a lawfully created magistrate is forced to follow the same ways as soon as he begins

to affect a power which the laws do not confer upon him. I wish I could say there were few of these; but experience shews, that such a proportion of wisdom, moderation of spirit, and justice, is required in a supreme magistrate, to render him content with a limited power, as is seldom found. Man is of an aspiring nature, and apt to put too high a value upon himself: they who are raised above their brethren, though but a little, desire to go farther; and if they gain the name of king, they think themselves wronged and degraded, when they are not suffered to do what they please.

> " .....Sanctitas, pietas, fides
> " Privata bona sunt: qua juvat, reges eant."*

In these things they never want masters; and the nearer they come to a power that is not easily re-restrained by law, the more passionately they desire to abolish all that opposes it: and when their hearts are filled with this fury, they never fail to chuse such ministers as will be subservient to their will: and this is so well known, that those only approach them who resolve to be so. Their interests as well as their inclinations incite them to diffuse their own manners as far as they can, which is no less than to bring those who are under their power to all that wickedness of which the nature of man is capable; and no greater testimony can be given of the efficacy of these means towards the utter corruption of na-

* Sen. Thyest.

tions, than the accursed effects we see of them in our own and the neighbouring countries.

It may be said, that some princes are so full of virtue and goodness, as not to desire more power than the laws allow, and are not obliged to chuse ill men, because they desire nothing but what the best are willing to do. This may be, and sometimes is: the nation is happy that has such a king; but he is hard to find, and more than a human power is required to keep him in so good a way. The strength of his own affections will ever be against him: wives, children, and servants, will always join with those enemies that arise in his own breast to pervert him: if he has any weak side, any lust unsubdued, they will gain the victory. He has not searched into the nature of man, who thinks that any one can resist when he is thus on all sides assaulted: nothing but the wonderful and immediate power of God's Spirit can preserve him; and to alledge it, will be nothing to the purpose, unless it can be proved that all princes are blessed with such an assistance, or that God hath promised it to them and their successors forever, by what means soever they came to the crowns they enjoy.

Nothing is farther from my intention than to speak irreverently of kings; and I presume no wise man will think I do so, if I profess, that having observed as well as I can, what history and daily experience teach us concerning the virtues and religions that are

or have been from the beginning of the world encouraged and supported by monarchs, the methods they have followed since they have gone under the name of christians, their moral as well as their theological graces, together with what the scriptures tell us of those who in the last days will principally support the throne of antichrist; I cannot be confident that they are generally in an extraordinary manner preserved by the hand of God from the vices and frailties to which the rest of mankind is subject. If no man can shew that I am in this mistaken, I may conclude, that as they are more than any other men in the world exposed to temptations and snares, they are more than any in danger of being corrupted, and made instruments of corrupting others, if they are no otherwise defended than the rest of men.

This being the state of the matter on both sides, we may easily collect, that all governments are subject to corruption and decay; but with this difference, that absolute monarchy is by principle led unto, or rooted in it; whereas mixed or popular governments are only in a possibility of falling into it: as the first cannot subsist, unless the prevailing part of the people be corrupted; the other must certainly perish, unless they be preserved in a great measure free from vices: and I doubt whether any better reason can be given, why there have been and are more monarchies than popular governments in the world, than that nations are more easily drawn into corruption than defended from it; and I think that monarchy can be said to be natural in no other sense,

than that our depraved nature is most inclined to that which is worst.

To avoid unnecessary disputes, I give the name of popular governments to those of Rome, Athens, Sparta, and the like, though improperly, unless the same may also be given to many that are usually called monarchies, since there is nothing of violence in either; the power is conferred upon the chief magistrates of both by the free consent of a willing people, and such a part as they think fit is still retained and executed in their own assemblies; and in this sense it is that our author seems to speak against them. As to popular government in the strictest sense (that is pure democracy, where the people in themselves, and by themselves, perform all that belongs to government) I know of no such thing; and if it be in the world, have nothing to say for it. In asserting the liberty, generally, as I suppose granted by God to all mankind, I neither deny, that so many as think fit to enter into a society, may give so much of their power as they please to one or more men, for a time, or perpetually, to them and their heirs, according to such rules as they prescribe; nor approve the disorders that must arise if they keep it intirely in their own hands: and looking upon the several governments, which under different forms and names have been regularly constituted by nations, as so many undeniable testimonies that they thought it good for themselves, and their posterity so to do, I infer, that as there is no man who would not rather chuse to be governed by such as are just,

industrious, valiant, and wise, than by those that are wicked, slothful, cowardly, and foolish; and to live in society with such as are qualified like those of the first sort, rather than with those who will ever be ready to commit all manner of villanies, or want of experience, strength, or courage, to join in repelling the injuries that are offered by others: so there are none who do not according to the measure of understanding they have, endeavour to set up those who seem to be best qualified, and to prevent the introduction of those vices which render the faith of the magistrate suspected, or make him unable to perform his duty, in providing for the execution of justice, and the public defence of the state, against foreign or domestic enemies. For as no man who is not absolutely mad, will commit the care of a flock to a villain that has neither skill, diligence, nor courage to defend them, or perhaps is maliciously set to destroy them, rather than to a stout, faithful, and wise shepherd; it is less to be imagined that any would commit the same error in relation to that society which comprehends himself, with his children, friends, and all that is dear to him.

The same considerations are of equal force in relation to the body of every nation: for since the magistrate, though the most perfect in his kind, cannot perform his duty, if the people be so base, vicious, effeminate, and cowardly, as not to second his good intentions; those who expect good from him, cannot desire so to corrupt their companions that are to help him, as to render it impossible for

him to accomplish it. Though I believe there have been in all ages bad men in every nation; yet I doubt whether there was one in Rome, except a Cataline or a Cæsar, who designed to make themselves tyrants, that would not rather have wished the whole people as brave and virtuous as in the time of the Carthaginian wars, than vile and base, as in the days of Nero and Domitian. But it is madness to think, that the whole body would not rather wish to be as it was when virtue flourished, and nothing upon earth was able to resist their power, than weak, miserable, base, slavish, and trampled under foot by any that would invade them; and forced as a chattel to become a prey to those that were strongest. Which is sufficient to shew, that a people acting according to the liberty of their own will, never advance unworthy men, unless it be by mistake, nor willingly suffer the introduction of vices: whereas the absolute monarch always prefers the worst of those who are addicted to him, and cannot subsist unless the prevailing part of the people be base and vicious.

If it be said, that those governments in which the democratical part governs most, do more frequently err in the choice of men, or the means of preserving that purity of manners which is required for the well-being of a people, than those wherein aristocracy prevails; I confess it, and that in Rome and Athens the best and wisest men did for the most part incline to aristocracy: Xenophon, Plato, Aristotle, Thucydides, Livy, Tacitus, Cicero, and others, were of this sort:

but if our author there seeks patrons for his absolute monarchy, he will find none but Phalaris, Agathocles, Dionysius, Cataline, Cethegus, Lentulus, with the corrupted crew of mercenary rascals, who did, or endeavoured to set them up. These are they "*quibus ex honesto nulla est spes;*" they abhor the dominion of the law, because it curbs their vices, and make themselves subservient to the lusts of a man who may nourish them. Smilitude of interests, manners, and designs, is a link of union between them: both are enemies to popular and mixed government; and those governments are enemies to them, and by preserving virtue and integrity oppose both; knowing, that if they do not, they and their governments must certainly perish.

SECTION XX.

MAN'S NRTURAL LOVE TO LIBERTY IS TEMPERED BY REASON, WHICH ORIGINALLY IS HIS NATURE.

THAT our author's book may appear to be a heap of incongruities and contradictions, it is not amiss to add to what has already been observed, that having asserted absolute monarchy to be "the only natural government," he now says, "that the nature of all people is to desire liberty without restraint."

But if monarchy be that power which above all restrains liberty and subjects all to the will of one; this is as much as to say, that all people naturally desire that which is against nature: and by wonderful excess of extravagance and folly to assert contrary propositions, that on both sides are equally absurd and false. For, as we have already proved that no government is imposed upon men by God or nature, it is no less evident, that man being a rational creature, nothing can be universally natural to him, that is not rational. But this liberty without restraint being inconsistent with any government, and the good which man naturally desires for himself, children, and friends, we find no place in the world where the inhabitants do not enter into some kind of society or government to restrain it: and to say that all men desire liberty without restraint, and yet that all do restrain it, is ridiculous. The truth is, man is hereunto led by reason, which is his nature. Every one sees they cannot well live asunder, nor many together, without some rule to which all must submit. This submission is a restraint of liberty, but could be of no effect as to the good intended, unless it were general; nor general, unless it were natural. When all are born to the same freedom, some will not resign that which is their own, unless others do the like. This general consent of all to resign such a part of their liberty as seems to be for the good of all is the voice of nature, and the act of men (according to natural reason) seeking their own good: and if all go not in the same way, according to the same form, it is an evident testimony that no one

is directed by nature; but as a few or many may join together, and frame smaller and greater societies, so those societies may institute such an order or form of government as best pleases themselves; and if the ends of government are obtained, they all equally follow the voice of nature in constituting them.

Again, if man were by nature so tenacious of his liberty without restraint, he must be rationally so. The creation of absolute monarchies, which entirely extinguishes it, must necessarily be most contrary to it, though the people were willing; for they thereby abjure their own nature. The usurpation of them can be no less than the most abominable and outrageous violation of the laws of nature that can be imagined: the laws of God must be in the like measure broken; and of all governments, democracy, in which every man's liberty is least restrained because every man hath an equal part, would certainly prove to be the most just, rational, and natural; whereas our author respesents it as a perpetual spring of disorder, confusion and vice. This consequence would be unavoidable, if he said true; but it being my fate often to differ from him, I hope to be excused if I do so in this also, and affirm, that nothing but the plain and certain dictates of reason can be generally applicable to all men as the law of their nature; and they who according to the best of their understanding provide for the good of themselves and their posterity, do all equally observe it. He that inquires more exactly into the matter

may find, that reason enjoins every man not to arrogate to himself more than he allows to others, nor to retain that liberty which will prove hurtful to him; or to expect that others will suffer themselves to be restrained, whilst he, to their prejudice, remains in the exercise of that freedom which nature allows. He who would be exempted from this common rule, must shew for what reason he should be raised above his brethren; and, if he do it not, he is an enemy to them. This is not popularity, but tyranny; and tyrants are said "*exuisse hominem*," to throw off the nature of men, because they do unjustly and unreasonably assume to themselves that which agrees not with the frailty of human nature, and set up an interest in themselves contrary to that of their equals, which they ought to defend as their own. Such as favour them are like to them; and we know of no tyranny that was not set up by the worst, nor of any that have been destroyed, unless by the best of men. The several tyrannies of Syracuse were introduced by Agathocles, Dionysius, Hieronymus, Hippocrates, Epicydes, and others, by the help of lewd, dissolute, mercenary villains; and overthrown by Timoleon, Dion, Theodorus, and others, whose virtues will be remembered in all ages. These, and others like to them, never sought liberty without restraint, but such as was restrained by laws tending to the public good; that all might concur in promoting it, and the unruly desires of those who affected power and honours which they did not deserve, might be repressed.

The like was seen in Rome: when Brutus, Valerius, and other virtuous citizens, had thrown out the lewd Tarquins, they trusted to their own innocence and reputation; and thinking them safe under the protection of the law, contented themselves with such honours as their countrymen thought they deserved. This would not satisfy the dissolute crew that used to be the companions to the Tarquins, "*Sodales adolescentium Tarquiniorum* assueti more regio vivere, eam tum æquato jure omnium licentiam quærentes, libertatem aliorum in suam vertisse servitutem conquerebantur. Regem hominum esse, à quo impetres ubi jus, ubi injuria opus sit. Esse gratiæ locum, esse beneficio: & irasci & ignoscere posse. Leges rem surdam esse & inexorabilem, salubriorem in opi quam potenti: nihil laxamenti nec veniæ habere, si modum excesseris: periculosum esse in tot humanis erroribus sola innocentia vivere.*" I cannot say, that either of these sought a liberty without restraint; for the virtuous were willing to be restrained by the law, and the vicious to submit to the will of a man, to gain impunity in offending. But if our author say true, the licentious fury of these lewd young men, who endeavoured to subvert the constitution of their country, to procure the impunity of their own crimes, would have been more natural, that is, more reasonable than the orderly proceedings of the most virtuous, who desired that the law might be the rule of their actions, which is most absurd.

* T. Liv. l. ii.

The like vicious wretches have in all times endeavoured to put the power into the hands of one man, who might protect them in their villanies, and advance them to exorbitant riches, or undeserved honours, whilst the best men, trusting in their innocence, and desiring no other riches or preferments than what they were by their equals thought to deserve, were contented with a due liberty, under the protection of a just law: and I must transcribe the histories of the world, or at least so much of them as concerns the tyrannies that have been set up or cast down, if I should here insert all the proofs that might be given of it. But I shall come nearer to the point which is not to compare democracy with monarchy, but a regular mixed government with such an absolute monarchy, as leaves all to the will of that man, woman, or child, who happens to be born in the reigning family, how ill soever they may be qualified. I desire those who are lovers of truth to consider, whether the wisest, best, and bravest of men, are not naturally led to be pleased with a government that protects them from receiving wrong, when they have not the least inclination to do any? Whether they who desire no unjust advantage above their brethren, will not always desire that a people or senate constituted as that of Rome, from the expulsion of Tarquin to the setting up of Cæsar, should rather judge of their merit, than Tarquin, Cæsar, or his successors? Or whether the lewd or corrupted pretorian bands, with Macro, Sejanus, Tigellinus, and the like, commanding them, will not ever, like Brutus' sons, abhor the inexorable power of the laws, with the necessity of living only by their innocence,

and favour the interest of princes like to those that advanced them? If this be not sufficient, they may be pleased a little to reflect upon the affairs of our own country, and seriously consider, whether Hide, Clifford, Falmouth, Arlington and Danby, could have pretended to the chief places, if the disposal of them had been in a free and well regulated parliament? Whether they did most resemble Brutus, Publicola, and the rest of the Valerii, the Fabii, Quintii Cornelii, &c. or Narcissus, Pallas, Icetus, Laco, Vinnius, and the like? Whether all men, good or bad, do not favour that state of things which favours them, and such as they are? Whether Cleaveland, Portsmouth, and others of the same trade, have attained to the riches and honours they enjoy by services done to the commonwealth? And what places Chiffinch, Fox, and Jenkins, could probably have attained, if our affairs had been regulated as good men desire? Whether the old arts of begging, stealing, and bawding, or the new ones of informing and trepaning, thrive best under one man who may be weak or vicious, and is always subject to be circumvented by flatterers, or under the severe scrutinies of a senate or people? In a word, whether they who live by such arts, and know no other, do not always endeavour to advance the government under which they enjoy, or may hope to obtain the highest honours, and abhor that, in which they are exposed to all manner of scorn and punishment? Which being determined, it will easily appear why the worst men have ever been for absolute monarchy, and the best against it; and which of the two in so doing can be said to desire an unrestrained liberty of doing that which is evil.

SECTION XXI.

MIXED AND POPULAR GOVERNMENTS PRESERVE PEACE, AND MANAGE WARS, BETTER THAN ABSOLUTE MONARCHIES.

BEING no way concerned in the defence of democracy; and having proved that Xenophon, Thucydides, and others of the ancients, in speaking against the over-great power of the common people, intended to add reputation to the aristocratical party to which they were addicted, and not to set up absolute monarcy, which never fell under discourse among them, but as an object of scorn and hatred even in itself, and only to be endured by base and barbarous people, I may leave our knight, like Don Quixote, fighting against the phantasms of his own brain, and saying what he pleases against such governments as never were, unless in such a place as San Marino near Sinigaglia in Italy, where a hundred clowns govern a barbarous rock that no man invades, and relates nothing to our question. If his doctrine be true, the monarchy he extols is not only to be preferred before unruly democracy, and mixed governments, but is the only one that, without a gross violation of the laws of God and nature, can be established over any nation. But having, as I hope, sufficiently proved, that God did neither institute, nor appoint any such to be instituted, nor approve those that were; that nature does not incline us to it, and

that the best as well as the wisest men have always abhorred it; that it has been agreeable only to the most stupid and base nations; and if others have submitted to it, they have done so only as to the greatest evils brought upon them by violence, corruption or fraud; I may now proceed to shew, that the progress of it has been in all respects suitable to its beginning.

To this end it will not be amiss to examine our author's words: "Thus," says he, "do they paint to the life this beast with many heads: let me give the cypher of their form of government: as it is begot by sedition, so it is nourished by crimes: it can never stand without wars, either with an enemy abroad, or with friends at home;" and in order to this I will not criticise upon the terms, though the cypher of a form, and war with friends, may justly be called nonsense; but coming to his assertions, that popular or mixed governments have their birth in sedition, and are ever afterwards vexed with civil or foreign wars, I take liberty to say, that whereas there is no form appointed by God or nature, those governments only can be called just, which are established by the consent of nations. These nations may at the first set up popular or mixed governments, and without the guilt of sedition introduce them afterwards, if that which was first established prove unprofitable or hurtful to them; and those that have done so, have enjoyed more justice in times of peace, and managed wars when occasion required with more virtue and better success

than any absolute monarchies have done. And whereas he says, that "in popular governments each man hath a care of his particular, and thinks basely of the common, good; they look upon approaching mischiefs as they do upon thunder, only every man wisheth it may not touch his own person:" I say that men can no otherwise be engaged to take care of the public, than by having such a part in it as absolute monarchy does not allow; for under it they can neither obtain the good for themselves, posterity, and friends, that they desire, nor prevent the mischiefs they fear, which are the principal arguments that persuade men to expose themselves to labours or dangers. It is a folly to say, that the vigilance and wisdom of the monarch supplies the defect of care in others; for we know, that no men under the sun were ever more void of both, and all manner of virtue required to such a work, than very many monarchs have been: and, which is yet worse, the strength and happiness of the people being frequently dangerous to them, they have not so much as the will to promote it; nay, sometimes set themselves to destroy it. Ancient monarchies afford us frequent examples of this kind; and if we consider those of France and Turkey, which seem most to flourish in our age, the people will appear to be so miserable under both, that they cannot fear any change of governor or government; and all, except a few ministers, are kept so far from the knowledge of, or power in, the management of affairs, that if any of them should fancy a possibility of something that might befall worse than what they

suffer, or hope for that which might alleviate their misery, they could do nothing towards the advancement of the one, or prevention of the other Tacitus observes, that in his time no man was able to write what passed, "*inscitia republicæ ut alienæ.*"* They neglected the public affairs in which they had no part. In the same age it was said, that the people, who, whilst they fought for their own interests, had been invincible, being enslaved, were grown sordid, idle, base, running after stage-plays and shows; so as the whole strength of the Roman armies consisted of strangers. When their spirits were depressed by servitude, they had neither courage to defend themselves, nor will to fight for their wicked masters; and least of all to increase their power, which was destructive to themselves: the same thing is found in all places. Though the Turk commands many vast provinces, that naturally produce as good soldiers as any, yet his greatest strength is in children that do not know their fathers; who not being very many in number, may perish in one battle, and the empire by that means be lost, the miserable nations that groan under that tyranny having neither courage, power, nor will, to defend it. This was the fate of the Mamalukes. They had for the space of almost two hundred years domineered in Egypt, and a great part of Asia; but the people under them being weak and disaffected, they could never recover the defeat they received from Selim near Tripoli, who, pursuing his victory, in a few months utterly abolished their kingdom.

* Tacit. an. l. i.

Notwithstanding the present pride of France, the numbers and warlike inclinations of that people, the bravery of the nobility, extent of dominion, convenience of situation, and the vast revenues of their king, his greatest advantages have been gained by the mistaken counsels of England, the valour of our soldiers unhappily sent to serve him, and the strangers of whom the strength of his armies consist; which is so unsteady a support, that many who are well versed in affairs of this nature, incline to think he subsists rather by little arts, and corrupting ministers in foreign courts, than by the power of his own armies; and that some reformation in the counsels of his neighbours might prove sufficient to overthrow that greatness which is grown formidable to Europe; the same misery to which he has reduced his people, rendering them as unable to defend him, upon any change of fortune, as to defend their own rights against him.

This proceeds not from any particular defect in the French government, but that which is common to all absolute monarchies. And no state can be said to stand upon a steady foundation, except those whose strength is in their own soldiery, and the body of their own people. Such as serve for wages, often betray their masters in distress, and always want the courage and industry which is found in those who fight for their own interests, and are to have a part in the victory. The business of mercenaries is so to perform their duty, as to keep their employments,

and to draw profit from them; but that is not enough to support the spirits of men in extreme dangers. The shepherd, who is a hireling, flies when the thief comes; and this adventitious help failing, all that a prince can reasonably expect from a disaffected and oppressed people is, that they should bear the yoke patiently in the time of his prosperity; but upon the change of his fortune, they leave him to shift for himself, or join with his enemies to avenge the injuries they had received. Thus did Alphonso and Ferdinand, kings of Naples, and Ludovico Sforza, duke of Milan, fall, in the times of Charles the 8th and Louis the 12th, kings of France. The two first had been false, violent, and cruel; nothing within their kingdom could oppose their fury: but when they were invaded by a foreign power, they lost all, as Guicciardin says, without breaking one lance; and Sforza was by his own mercenary soldiers delivered into the hands of his enemies.

I think it may be hard to find examples of such as proceeding in the same way have had better success; but if it should so fall out, that a people living under an absolute monarchy, should through custom or fear of something worse (if that can be) not only suffer patiently, but desire to uphold the government; neither the nobility, nor commonality, can do any thing towards it. They are strangers to all public concernments: all things are governed by one or a few men, and others know nothing either of action or counsel. Filmer will tell us it is no matter; the profound wisdom of the prince provides

for all. But what if this prince be a child, a fool, a superannuated dotard, or a madman? Or if he does not fall under any of these extremities, and possesses such a proportion of wit, industry, and courage, as is ordinarily seen in men, how shall he supply the office that indeed requires profound wisdom, and an equal measure of experience and valour? It is to no purpose to say a good council may supply his defects; for it does not appear how he should come by this council, nor who should oblige him to follow their advice: if he be left to his own will to do what he pleases, though good advice be given to him, yet his judgment being perverted, he will always incline to the worst: if a necessity be imposed upon him of acting according to the advice of his council, he is not that absolute monarch of whom we speak, nor the government monarchical, but aristocratical. These are imperfect fig-leaf-coverings of nakedness. It was in vain to give good counsel to Sardanapalus; and none could defend the Assyrian empire, when he lay wallowing amongst his whores without any other thought than of his lusts. None could preserve Rome, when Domitian's chief business was to kill flies, and that of Honorius to take care of his hens. The monarchy of France must have perished under the base kings they call "*les roys faineants*," if the sceptre had not been wrested out of their unworthy hands. The world is full of examples in this kind: and when it pleases God to bestow a just, wise, and valiant king, as a blessing upon a nation, it is only a momentary help, his virtues end with him; and there being neither

any divine promise nor human reason moving us to believe that they shall always be renewed and continued in his successors, men cannot rely upon it; and to alledge a possibility of such a thing is nothing to the purpose.

On the other side, in a popular or mixed government every man is concerned: every one has a part, according to his quality or merit; all changes are prejudicial to all: whatsoever any man conceives to be for the public good, he may propose it in the magistracy, or to the magistrate: the body of the people is the public defence, and every man is armed and disciplined: the advantages of good success are communicated to all, and every one bears a part in the losses. This makes men generous and industrious; and fills their hearts with love to their country:* this, and the desire for that praise which is the reward of virtue, raised the Romans above the rest of mankind; and wheresoever the same ways are taken, they will in a great measure have the same effects. By this means they had as many soldiers to fight for their country as there were freemen in it. Whilst they had to deal with the free nations of Italy, Greece, Africa, or Spain, they never conquered a country till the inhabitants were exhausted: but when they came to fight against kings, the success of a battle was enough to bring a kingdom under their power. Antiochus upon a ruffle received from Acilius at Thermopylæ, left all that he possessed in

* Amor patriæ laudisquæ immensa cupido. Virg. Æn. vi. v. 23.

Greece; and being defeated by Scipio Nasica, he quitted all the kingdoms and territories of Asia on this side Taurus. Paulus Emilius became master of Macedon by one prosperous fight against Perseus. Syphax, Tygranes, Ptolemy, and others, were more easily subdued. The mercenary armies on which they relied being broken, the cities and countries not caring for their masters, submitted to those who had more virtue, and better fortune. If the Roman power had not been built upon a more sure foundation, they could not have subsisted. Notwithstanding their valour, they were often beaten; but their losses were immediately repaired by the excellence of their discipline. When Hannibal had gained the battles of Trebia, Ticinum, Thrasimene, and Cannæ; defeated the Romans in many other encounters, and slain above two hundred thousand of their men, with Paulus Emilius, C. Servilius, Sempronius Gracchus, Quintius, Marcellus, and many other excellent commanders: when about the same time the two brave Scipios had been cut off with their armies in Spain, and many great losses had been sustained in Sicily, and by sea, one would have thought it impossible for the city to have resisted: but their virtue, love to their conntry, and good government, was a strength that increased under all their calamities, and in the end overcame all. The nearer Hannibal came to the walls, the more obstinate was their resistance. Though he had killed more great captains than any other kingdom ever had, others daily stepped up in their place, who excelled them in all manner of virtue. I know not, if at any time that conquering city

could glory in a greater number of men fit for the highest enterprizes, than at the end of that cruel war which had consumed so many of them; but I think, that the finishing victories by them obtained, are but ill proofs of our author's assertion, that they "thought basely of the common good, and sought only to save themselves."* We know of none except Cecilius Metellus, who after the battle of Cannæ had so base a thought as to design the withdrawing himself from the public ruin; but Scipio (afterwards surnamed Africanus) threatening death to those who would not swear never to abandon their country, forced him to leave it. This may in general be imputed to good government and discipline, with which all were so seasoned from their infancy, that no affection was so rooted in them as an ardent love to their country, and a resolution to die for it, or with it; but the means by which they accomplished their great ends, so as after their defeats to have such men as carried on their noblest designs with more glory than ever, was their annual elections of magistrates, many being thereby advanced to the supreme commands, and every one by the honours they enjoyed, filled with a desire of rendering himself worthy of them.

I should not much insist upon these things, if they had been seen only in Rome: but though their discipline seems to have been more perfect, better observed, and to have produced a virtue that surpassed all others; the like has been found, though

* It is told differently in Livy, l. xxii. c. 53.

perhaps not in the same degree, in all nations that have enjoyed their liberty, and were admitted to such a part of the government as might give them a love to it. This was evident in all the nations of Italy. The Sabines, Volsci, Æqui, Tuscans, Samnites, and others, were never conquered till they had no men left. The Samnites alone inhabiting a small and barren province, suffered more defeats before they were subdued, than all the kingdoms of Numidia, Egypt, Macedon, and Asia;* and, as it is exprest in their embassy to Hannibal, never yielded, till they who had brought vast numbers of men into the field, and by them defeated some of the Roman armies, were reduced to such weakness that they could not resist one legion. We hear of few Spartans who did not willingly expose their lives for the service of their country: and the women themselves were so far inflamed with the same affection, that they refused to mourn for their children and husbands, who died in the defence of it. When the brave Brasidas was slain, some eminent men went to comfort his mother upon the news of his death; and telling her he was the most valiant man in the city, she answered, that he was indeed a valiant man, and died as he ought to do;† but that, through the goodness of the gods, many others were left as valiant as he.

When Xerxes invaded Greece, there was not a citizen of Athens able to bear arms, who did not leave his wife and children to shift for themselves in the

* Liv. l. xxiii. c. 42. † Thucyd. de bel Peloponn.

neighbouring cities, and their houses to be burnt, when they embarked with Themistocles; and never thought of either, till they had defeated the Barbarians at Salamis by sea, and at Platea by land. When men are thus spirited, some will ever prove excellent; and as none did ever surpass those who were bred under this discipline, in all moral, military, and civil virtues; those very countries where they flourished most, have not produced any eminent men since they lost that liberty which was the mother and nurse of them.

Though I should fill a volume with examples of this kind (as I might easily do) such as our author will say, that in popular governments men look upon mischiefs as thunder, and only wish it may not touch themselves: but, leaving them to the scorn and hatred they deserve by their impudence and folly, I conclude this point with the answer, that Trajano Boccalini puts into the mouth of Apollo,* to the princes who complained that their subjects had not that love to their countries as had been, and was daily seen, in those who lived under commonwealths; which did amount to no more than to tell them, that their ill government was the cause of that defect, and that the prejudices incurred by rapine, violence, and fraud, were to be repaired only by liberality, justice, and such a care of their subjects, that they might live happily under them.

* Ragion 99.

SECTION XXII.

COMMONWEALTHS SEEK PEACE OR WAR, ACCORDING TO THE VARIETY OF THEIR CONSTITUTIONS.

If I have hitherto spoken in general of popular or mixed governments, as if they were all founded on the same principle, it was only because our author without distinction has generally blamed them all, and generally imputed to every one those faults which perhaps never were in any; but most certainly are directly opposite to the temper and constitution of many among them. Malice and ignorance reign so equally in him, that it is not easy to determine from which of the two this false representation proceeds. But lest any man should thereby be imposed upon, it is time to observe, that the constitutions of commonwealths have been so various, according to the different temper of nations and times, that if some of them seem to have been principally constituted for war, others have as much delighted in peace: and many, having taken the middle, and (as some think) the best way, have so moderated their love to peace, as not to suffer the spirits of the people to fall, but kept them in a perpetual readiness to make war when there was occasion: and every one of those having followed several ways and ends, deserve our particular consideration.

The cities of Rome, Sparta, Thebes, and all the associations of the Etolians, Achaians, Sabines, Latins, Samnites, and many others that anciently flourished in Greece and Italy, seem to have intended nothing but the just preservation of liberty at home, and making war abroad. All the nations of Spain, Germany, and Gaul, sought the same things. Their principal work was to render their people valiant, obedient to their commanders, lovers of their country, and always ready to fight for it: and for this reason when the senators of Rome had killed Romulus, they persuaded Julius Proculus to affirm, that he had seen him in a most glorious form ascending to heaven and promising great things to the city: "*Proinde rem militarem colant.*" The Athenians were not less inclined to war; but applied themselves to trade, as subservient to that end, by increasing the number of the people, and furnishing them with the means of carrying it on with more vigour and power. The Phenician cities, of which Carthage was the most eminent, followed the same method: but, knowing that riches do not defend themselves, or scorning slothfully to enjoy what was gained by commerce, they so far applied themselves to war, that they grew to a power which Rome only was able to overthrow. Venice, Florence, Genoa, Lucca, and some other cities of Italy, seem chiefly to have aimed at trade; and placing the hopes of their safety in the protection of more powerful states, unwillingly entered into wars, especially by land; and when they did, they made them by mercenary soldiers.

Again, some of those that intended war, desired to enlarge their territories by conquest; others only to preserve their own, and to live with freedom and safety upon them. Rome was of the first sort; and knowing that such ends cannot be accomplished without great numbers of men, they freely admitted strangers into the city, senate, and magistracy. Numa was a Sabine: Tarquinius Priscus was the son of a Grecian: one hundred of those Sabines who came with Tatius were admitted into the senate: Appius Claudius of the same people came to Rome, was made a member of the senate, and created consul. They demolished several cities, and brought the inhabitants to their own; gave the right of citizens to many others (sometimes to whole cities and provinces) and cared not how many they received, so they could engraft them upon the same interest with the old stock, and season them with the same principles, discipline and manners. On the other side, the Spartans desiring only to continue free, virtuous and safe, in the enjoyment of their own territory, and thinking themselves strong enough to defend it, framed a most severe discipline, to which few strangers would submit. They banished all those curious arts, that are useful to trade; prohibited the importation of gold and silver; appointed the Helotes to cultivate their lands, and to exercise such trades as are necessary to life; admitted few strangers to live amongst them; made none of them free of their city, and educated their youth in such exercises only as prepared them for war. I will not take upon me to judge whether this proceeded from such a

moderation of spirit, as placed felicity rather in the fulness and stability of liberty, integrity, virtue, and the enjoyment of their own, than in riches, power, and dominion over others; nor which of these two different methods deserves most to be commended: but certain it is, that both succeeded according to the intention of the founders.

Rome conquered the best part of the world, and never wanted men to defend what was gained: Sparta lived in such happiness and reputation, that till it was invaded by Epaminondas, an enemy's trumpet had not been heard by those within the town for the space of eight hundred years, and never suffered any great disaster, till receding from their own institutions, they were brought by prosperity to affect the principality of Greece, and to undertake such wars as could not be carried on without money, and greater numbers of men than a small city was able to furnish; by which means they were obliged to beg assistance from the barbarians, whom they scorned and hated, as appears by the stories of Callicratidas, Lysander, and Agesilaus, and fell into such straits as were never recovered.

The like variety has been observed in the constitutions of those northern nations that invaded the Roman empire; for though all of them intended war, and looked upon those only to be members of their commonwealths, who used arms to defend them, yet some did immediately incorporate themselves with those of the conquered countries. Of this number

were the Franks, who presently became one nation with the Gauls: others kept themselves in a distinct body, as the Saxons did from the Britons: and the Goths, for more than three hundred years that they reigned in Spain, never contracted marriages, or otherwise mixed with the Spaniards, till their kingdom was overthrown by the Moors.

These things, and others of the like nature, being weighed, many have doubted whether it were better to constitute a commonwealth for war, or for trade; and of such as intend war, whether those are most to be praised who prepare for defence only, or those who design by conquest to enlarge their dominions: or if they admit of trade, whether they should propose the acquisition of riches for their ultimate end, and depend upon foreign and mercenary forces to defend them; or to be as helps to enable their own people to carry on those wars, in which they may be frequently engaged. Those questions might perhaps be easily decided, if mankind were of a temper to suffer those to live in peace who offer no injury to any; or that men who have money to hire soldiers when they stand in need of them, could find such as would valiantly and faithfully defend them, whilst they apply themselves to their trades. But experience teaching us, that those only can be safe who are strong; and that no people was ever well defended, but those who fought for themselves; the best judges of these matters have always given the preference to those constitutions that principally intend war, and make use of trade as assisting to that

end: and think it better to aim at conquest, rather than simply to stand upon their own defence; since he that loses all if he be overcome, fights upon very unequal terms; and if he obtain the victory, gains no other advantage, than for the present to repel the danger that threatened him.

These opinions are confirmed by the examples of the Romans, who prospered much more than the Spartans: and the Carthaginians, who made use of trade as a help to war, raised their city to be one of the most potent that ever was in the world: whereas the Venitians, having relied on trade and mercenary soldiers, are always forced too much to depend upon foreign potentates; very often to buy peace with ignominious and prejudicial conditions; and sometimes to fear the infidelity of their own commanders, no less than the violence of their enemies. But that which ought to be valued above all in point of wisdom, as well as justice, is the government given by God to the Hebrews, which chiefly fitted them for war, and to make conquests. Moses divided them under several captains, into thousands, hundreds, fifties, and tens: this was a perpetual ordinance amongst them: in numbering them, those only were counted, who were able to bear arms: every man was obliged to go out to war, except such as had married a wife, or upon other special occasions, were for a time excused; and the whole series of the sacred history shews, that there were always as many soldiers to fight for their country as there were men able to fight. And if this be taken

for a picture of a many-headed beast, delighting in blood, begotten by sedition, and nourished by crimes, God himself was the drawer of it.

In this variety of constitutions and effects proceeding from them, I can see nothing more justly and generally to be attributed to them all, than that love to their country which our author impudently affirms to be wanting in all. In other matters their proceedings are not only different, but contrary to each other: yet it cannot be said that any nations have enjoyed so much peace as some republics. The Venitians' too great inclination to peace is accounted to be a mortal error in their constitution, and they have not been less free from domestic seditions than foreign wars: the conspiracies of the Falerii and Tiepoli were extinguished by their punishment, and that of La Cueva crushed before it was ripe. Genoa has not been altogether so happy: the factions of the Guelphs and Ghibelins, that spread themselves over all Italy, infected that city; and the malice of the Spaniards and French raised others under the Fregosi and Adorni; but they being composed, they have for more than an hundred and fifty years rested in quiet.

There is another sort of commonwealth, composed of many cities associated together, and living "*æquo jure*;" every one retaining and exercising a sovereign power within itself, except in some cases expressed in the act of union or league made between them. These I confess are more hardly pre-

served in peace. Disputes may arise among them concerning limits, jurisdiction, and the like. They cannot always be equally concerned in the same things. The injuries offered to one do not equally affect all. Their neighbours will sow divisions among them; and not having a mother city to decide their controversies by her authority, they may be apt to fall into quarrels, especially if they profess christianity; which having been split into variety of opinions ever since it was preached, and the papists, by their cruelty to such as dissent from them, shewing to all, that there is no other way of defending themselves against them, than by using the same, almost every man is come to think he ought (as far as in him lies) to impose his belief on others, and that he can give no better testimony of his zeal, than the excess of his violence on that account. Nevertheless the cantons of the Switzers, though accompanied with all the most dangerous circumstances that can be imagined, being thirteen in number, independent on each other, governed in a high degree popularly, professing christianity, differing in most important points; eight of them much influenced by the Jesuits, and perpetually excited to war against their brethren by the powerful crowns of Spain and France, have ever since they cast off the insupportable yoke of the earls of Hapsburg, enjoyed more peace than any other state of Europe, and from the most inconsiderable people, are grown to such a power, that the greatest monarchs do most solicitously seek their friendship; and none have dared to invade them, since Charles duke of Bur-

gundy did it to his ruin: and he who for a long time had been a terror to the great, dangerous and subtle king of France, gave by the loss of three armies, and his own life, a lasting testimony of his temerity in assaulting a free and valiant though a poor people, fighting in their own quarrel. Commines well relates that war; but a vast heap of bones remaining to this day at Muret with this inscription, "*Caroli fortissimi Burgundiorum ducis exercitus Muretum obsidens ab Helvitiis cæsus, hoc sui monumentum reliquit,*" best shews the success of it. Since that time their greatest wars have been for the defence of Milan; or such as they have undertaken for pay under the ensigns of France or Spain, that by the use of arms they may keep up that courage, reputation, and experience which is required for the defence of their own country. No government was ever more free from popular seditions; the revolts of their subjects have been few, weak, and easily suppressed; the dissention raised by the Jesuits between the cantons of Zurich and Lucern was as soon composed as the rebellion of the country of Vaux against the canton of Bern; and those few of the like nature that have happened among them have had the like success: so that Thuanus, in the history of his time, comprehending about fifty years, and relating the horrid domestic and foreign wars that distracted Germany, France, Spain, Italy, Flanders, England, Scotland, Poland, Denmark, Sweden, Hungary, Transilvania, Muscovy, Turkey, Africa, and other places, has no more to say of them, than

to shew what arts had been in vain used to disturb their so much envied quiet. But if the modest temper of the people, together with the wisdom, justice, and strength of their government, could not be discomposed by the measures of Spain and France, by the industry of their ambassadors, or the malicious craft of the Jesuits, we may safely conclude, that their state is as well settled as any thing among men can be, and can hardly comprehend what is like to interrupt it. As much might be said of the cities of the Hanseatic society, if they had an intire sovereignty in themselves: but the cities of the United Provinces in the Low Countries, being every one of them sovereign within themselves, and many in number, still continuing in their union in spite of all the endeavours that have been used to divide them, give us an example of such steadiness in practice and principle, as is hardly to be paralleled in the world, and that undeniably proves a temper in their constitutions directly opposite to that which our author imputes to all popular governments: and if the death of Barnevelt and De Wit, or the preferment of some most unlike to them, be taken for a testimony that the best men thrive worst, and the worst best, I hope it may be considered, that those violences proceeded from that which is most contrary to popularity, though I am not very willing to explain it.

If these matters are not clear in themselves, I desire they may be compared with what has happened between any princes that from the beginning of the

world have been joined in league to each other, whether they were of the same or of different nations. Let an example be brought of six, thirteen, or more princes or kings, who entered into a league; and for the space of one or more ages, did neither break it, nor quarrel upon the explication of it. Let the states of the Switzers, Grisons, or Hollanders, be compared with that of France, when it was sometimes divided between two, three, or four brothers of Meroveus or Pepin's races; with the heptarchy of England; the kingdoms of Leon, Arragon, Navarre, Castile, and Portugal, under which the christians in Spain were divided; or those of Cordua, Sevil, Malaga, Grenada, and others under the power of the Moors; and if it be not evident, that the popular states have been remarkable for peace among themselves, constancy to their union, and fidelity to the leagues made with their associates; whereas all the above mentioned kingdoms, and such others as are known among men to have been joined in the like leagues, were ever infested with domestic rebellions and quarrels, rising from the ambition of princes, so as no confederacy could be so cautiously made, but they would find ways to elude it, or so solemn and sacred, but they would in far less time break through it; I will confess, that kingdoms have sometimes been as free from civil disturbances, and that leagues made between several princes have been as constantly and religiously observed as by commonwealths. But if no such thing do appear in the world, and no man who is not impudent or ignorant dare pretend it, I may justly con-

clude, that though every commonwealth has its action suitable to its constitution, and that many associated together are not so free from disturbances, as those that wholly depend upon the authority of a mother-city; yet we know of none that have not been, and are more regular and quiet than any principalities; and as to foreign wars, they seek or avoid them according to their various constitutions.

SECTION XXIII.

THAT IS THE BEST GOVERNMENT, WHICH BEST PROVIDES FOR WAR.

Our author, having huddled up all popular and mixed governments into one, has, in some measure, forced me to explain the various constitutions and principles upon which they are grounded; but as the wisdom of a father is seen, not only in providing bread for his family, or increasing his patrimonial estate, but in making all possible provision for the security of it; so that government is evidently the best, which, not relying upon what it does at first enjoy, seeks to increase the number, strength, and riches, of the people; and by the best discipline to bring the power so improved into such order as may be of most use to the public. This comprehends all things conducing to the administration of justice,

the preservation of domestic peace, and the increase of commerce, that the people, being pleased with their present condition, may be filled with love to their country, encouraged to fight boldly for the public cause, which is their own; and as men do willingly join with that which prospers, that strangers may be invited to fix their habitations in such a city, and to espouse the principles that reign in it. This is necessary for several reasons; but I shall principally insist upon one, which is, that all things in their beginning are weak: the whelp of a lion newly born has neither strength nor fierceness. He that builds a city, and does not intend it should increase, commits as great an absurdity, as if he should desire his child might ever continue under the same weakness in which he is born. If it do not grow, it must pine and perish; for in this world nothing is permanent; that which does not grow better will grow worse. This increase also is useless, or perhaps hurtful, if it be not in strength, as well as in riches, or number: for every one is apt to seize upon ill-guarded treasures; and the terror that the city of London was possessed with, when a few Dutch ships came to Chatham, shews, that no numbers of men, though naturally valiant, are able to defend themselves, unless they be well armed, disciplined, and conducted. Their multitude brings confusion: their wealth, when it is like to be made a prey, increases the fears of the owners; and they, who, if they were brought into good order, might conquer a great part of the world, being destitute of it, durst not think of defending themselves.

If it be said that the wise father, mentioned by me, endeavours to secure his patrimony by law, not by force; I answer, that all defence terminates in force; and if a private man does not prepare to defend his estate with his own force, it is because he lives under the protection of the law, and expects the force of the magistrate should be a security to him: but kingdoms and commonwealths, acknowledging no superior, except God alone, can reasonably hope to be protected by him only; and by him, if with industry and courage they make use of the means he has given them for their own defence. God helps those who help themselves; and men are by several reasons (suppose to prevent the increase of a suspected power) induced to succour an industrious and brave people: but such as neglect the means of their own preservation, are ever left to perish with shame. Men cannot rely upon any league: the state that is defended by one potentate against another, becomes a slave to the protector: mercenary soldiers always want fidelity or courage, and most commonly both. If they are not corrupted or beaten by the invader, they make a prey of their masters. These are the followers of camps, who have neither faith nor piety,* but prefer gain before right. They who expose their blood to sale, look where they can make the best bargain, and never fail of pretences for following their interests.

Moreover, private families may by several arts increase their wealth, as they increase in number;

* ....Ibi fas, ubi maxima merces. Lucan.

but when a people multiplies (as they will always do in a good climate under a good government) such an enlargement of territory as is necessary for their subsistence can be acquired only by war. This was known to the northern nations that invaded the Roman empire; but for want of such constitutions as might best improve their strength and valour, the numbers they sent out when they were overburthened, provided well for themselves, but were of no use to the countries they left; and whilst those Goths, Vandals, Franks, and Normans, enjoyed the most opulent and delicious provinces of the world, their fathers languished obscurely in their frozen climates. For the like reasons, or through the same defect, the Switzers are obliged to serve other princes; and often to employ that valour in advancing the power of their neighbours, which might be used to increase their own. Genoa, Lucca, Geneva, and other small commonwealths, having no wars, are not able to nourish the men they breed; but sending many of their children to seek their fortunes abroad, scare a third part of those that are born among them die in those cities; and if they did not take this course, they would have no better than the nations inhabiting near the river Niger, who sell their children as the increase of their flocks.

This does not less concern monarchies than commonwealths; nor the absolute less than the mixed: all of them have been prosperous or miserable, glorious or contemptible, as they were better or worse armed, disciplined, or conducted. The Assyrian

valour was irresistible under Nebuchodonozor; but was brought to nothing under his base and luxurious grandson Belshazzar: the Persians, who under Cyrus conquered Asia, were like swine exposed to slaughter when their discipline failed, and they were commanded by his proud, cruel, and cowardly successors. The Macedonian army overthrown by Paulus Emilius was not less in number than that with which Alexander gained the empire of the east; and perhaps had not been inferior in valour, if it had been as well commanded. Many poor and almost unknown nations have been carried to such a height of glory by the bravery of their princes, that I might incline to think their government as fit as any other for discipling a people to war, if their virtues continued in their families, or could be transmitted to their successors. The impossibility of this is a breach never to be repaired; and no account is to be made of the good that is always certain, and seldom enjoyed. This disease is not only in absolute monarchies, but in those also where any regard is had to succession of blood, though under the strictest limitations. The fruit of all the victories gained by Edward the 1st and 3d, or Henry the 5th of England, perished by the baseness of their successors: the glory of our arms was turned into shame; and we, by the loss of treasure, blood, and territory, suffered the punishment of their vices. The effects of these changes are not always equally violent; but they are frequent, and must fall out as often as occasion is represented. It was not possible for Lewis the 13th of France to pursue the great

designs of Henry the 4th: Christina of Sweden could not supply the place of her brave father; nor the present king in his infancy accomplish what the great Charles Gustavus had nobly undertaken: and no remedy can be found for this mortal infirmity, unless the power be put into the hands of those who are able to execute it, and not left to the blindness of fortune. When the regal power is committed to an annual or otherwise chosen magistracy, the virtues of excellent men are of use, but all does not depend upon their persons: one man finishes what another had begun; and when many are by practice rendered able to perform the same things, the loss of one is easily supplied by the election of another. When good principles are planted, they do not die with the person that introduced them; and good constitutions remain, though the authors of them perish. Rome did not fall back into slavery when Brutus was killed, who had led them to recover their liberty: others like to him pursued the same ends; and notwithstanding the loss of so many great commanders consumed in their almost continual wars, they never wanted such as were fit to execute whatever they could design. A well governed state is as fruitful to all good purposes, as the seven-headed serpent is said to have been in evil; when one head is cut off, many rise up in the place of it. Good order being once established, makes good men; and as long as it lasts, such as are fit for the greatest employments will never be wanting. By this means the Romans could not be surprised: no king or captain ever in-

vaded them, who did not find many excellent commanders to oppose him; whereas they themselves found it easy to overthrow kingdoms, though they had been established by the bravest princes, through the baseness of their successors.

But if our author say true, it is of no advantage to a popular state to have excellent men; and therefore he imposes "a necessity upon every people to chuse the worst men for being the worst, and most like to themselves; lest that if virtuous and good men should come into power, they should be excluded for being vicious and wicked, &c. Wise men would seize upon the state, and take it from the people." For the understanding of these words, it is good to consider whether they are to be taken simply, as usually applied to the devil, and some of his instruments, or relatively, as to the thing in question: if simply, it must be concluded, that Valerius, Brutus, Cincinnatus, Capitolinus, Mamercus, Paulus, Emilius, Nasica, and others like to them, were not only the worst men of the city; but that they were so often advanced to the supreme magistracies because they were so: if in the other sense relating to magistracy, and the command of armies, the worst are the most ignorant, unfaithful, slothful, or cowardly; and our author, to make good his proposition, must prove, that when the people of Rome, Carthage, Athens, and other states, had the power of chusing whom they pleased, they did chuse Camillus, Corvinus, Torquatus, Fabius, Rullus, Scipio, Hamilcar, Hannibal, Asdrubal, Pe-

lopidas, Epaminondas, Pericles, Aristides, Themistocles, Phocion, Alcibiades, and others like to them, for their ignorance, infidelity, sloth, and cowardice; and on account of those vices, most like to those who chose them. But if these were the worst, I desire to know what wit or eloquence can describe or comprehend the excellency of the best; or of the discipline that brings whole nations to such perfection, that worse than these could not be found among them? And if they were not so, but such as all succeeding ages have justly admired for their wisdom, virtue, industry, and valour, the impudence of so wicked and false an assertion ought to be re-rejected with scorn and hatred.

But if all governments, whether monarchical or popular, absolute or limited, deserve praise or blame as they are well or ill constituted for making war; and that the attainment of this end do entirely depend upon the qualifications of the commanders, and the strength, courage, number, affection, and temper of the people out of which the armies are drawn; those governments must necessarily be the best which take the best care that those armies may be well commanded; and so provide for the good of the people, that they may daily increase in number, courage, and strength, and be so satisfied with the present state of things, as to fear a change, and fight for the preservation or advancement of the public interest as of their own. We have already found, that in hereditary monarchies no care at all is taken of the commander: he is not chosen, but comes by

chance; and does not only frequently prove defective, but for the most part utterly uncapable of performing any part of his duty; whereas in popular governments excellent men are generally chosen; and there are so many of them, that if one or more perish, others are ready to supply their places. And this discourse having (if I mistake not) in the whole series, shewn, that the advantages of popular governments, in relation to the increase of courage, number and strength in a people, out of which armies are to be formed, and bringing them to such a temper as prepares them bravely to perform their duty, are as much above those of monarchies, as the prudence of choice surpasses the accidents of birth; it cannot be denied, that in both respects the part which relates to war is much better performed in popular governments than in monarchies.

That which we are by reason led to believe, is confirmed to us by experience. We every where see the difference between the courage of men fighting for themselves and their posterity, and those that serve a master who by good success is often rendered insupportable. This is of such efficacy, that no king could ever boast to have overthrown any considerable commonwealth, unless it were divided within itself, or weakened by wars made with such as were also free; which was the case of the Grecian commonwealths, when the Macedonians fell in upon them: whereas the greatest kingdoms have been easily destroyed by commonwealths; and these also have lost all strength, and valour, and spirit, after the

change of their government. The power and virtue of the Italians grew up, decayed, and perished with their liberty. When they were divided into many commonwealths, every one of them was able to send out great armies, and to suffer many defeats before they were subdued; so that their cities were delivered up by the old men, women, and children, when all those who were able to bear arms had been slain: and when they were all brought under the Romans, either as associates or subjects, they made the greatest strength that ever was in the world.

Alexander of Epirus was in valour thought equal, and in power little inferior to Alexander of Macedon: but having the fortune to attack those who had been brought up in liberty, taught to hazard or suffer all things for it, and to think that God has given to men hands and swords only to defend it, he perished in his attempt; whilst the other encountering slavish nations, under the conduct of proud, cruel, and for the most part unwarlike tyrants, became master of Asia.

Pyrrhus seems to have been equal to either of them; but the victories he obtained by an admirable valour and conduct, cost him so dear, that he desired peace with those enemies who might be defeated, not subdued.

Hannibal, wanting the prudence of Pyrrhus, lost the fruits of all his victories; and being torn out of Italy, where he had nested himself, fell under the

sword of those whose fathers he had defeated or slain; and died a banished man from his ruined country.

The Gauls did once bring Rome, when it was small, to the brink of destruction; but they left their carcases to pay for the mischiefs they had done; and in succeeding times their invasions were mentioned as tumults rather than wars.

The Germans did perhaps surpass them in numbers and strength, and were equal to them in fortune as long as Rome was free. They often entered Italy; but they continued not long there, unless under the weight of their chains: whereas the same nations, and others like to them, assaulting that country, or other provinces under the emperors, found no other difficulty than what did arise upon contests among themselves who should be master of them. No manly virtue or discipline remained among the Italians: those who governed them, relied upon tricks and shifts; they who could not defend themselves, hired some of those nations to undertake their quarrels against others. These trinklings could not last: the Goths, scorning to depend upon those who in valour and strength were much inferior to themselves, seized upon the city that had commanded the world, whilst Honorius was so busy in providing for his hens, that he could not think of defending it. Arcadius had the luck not to lose his principal city; but passing his time among fidlers, players, eunuchs, cooks, dancers, and buffoons, the provinces were securely plundered and ransacked by nations that are known only from their victories against him.

It is in vain to say, that this proceeded from the fatal corruption of that age; for that corruption proceeded from the government, and the ensuing desolation was the effect of it. And as the like disorder in government has been ever since in Greece and the greatest part of Italy, those countries, which for extent, riches, convenience of situation, and numbers of men, are equal to the best in the world, and for the wit, courage, and industry of the natives, perhaps justly preferable to any, have since that time been always exposed as a prey to the first invader. Charles the 8th of France is by Guicciardin, and other writers, represented as a prince equally weak in body, mind, money, and forces: but as an ill hare is said to make a good dog, he conquered the best part of Italy without breaking a lance. Ferdinand and Alphonso of Arragon, kings of Naples, had governed by trepaners, false witnesses, corrupt judges, mercenary soldiers, and other ministers of iniquity; but these could afford no help against an invader; and neither the oppressed nobility nor people concerning themselves in the quarrel, they who had been proud, fierce, and cruel against their poor subjects, never durst look an enemy in the face; and the father dying with anguish and fear, the son shamefully fled from his ill governed kingdom.

The same things are no less evident in Spain. No people ever defended themselves with more obstinacy and valour than the Spaniards did against the Carthaginians and Romans, who surpassed them in wealth and skill. Livy calls them "*gentem ad*

bella gerenda & reparanda natam," and who generally killed themselves when they were mastered and disarmed, "*nullam sine armis vitam esse rati.*" But though the mixture of Roman blood could not impair their race, and the conjunction of the Goths had improved their force; yet no more was required for the overthrow of them all, than the weakness and baseness of the two lewd tyrants Witza and Rodrigo, who disdained all laws, and resolved to govern according to their lust. They who for more than two hundred years had resisted the Romans, were entirely subdued by the vile, half naked Moors, in one slight skirmish; and do not to this day know what became of the king who brought the destruction upon them. That kingdom after many revolutions is with many others come to the house of Austria, and enjoys all the wealth of the Indies; whereupon they are thought to have affected an universal monarchy. "*Sed ut sunt levia aulicorum ingenia,*" this was grounded upon nothing except their own vanity: they had money and craft; but wanting that solid virtue and strength, which makes and preserves conquests, their kings have nothing but Milan that did not come to them by marriage: and though they have not received any extraordinary disasters in war, yet they languish and consume through the defects of their own government, and are forced to beg assistance from their mortal and formerly despised enemies. These are the best hopes of defence that they have from abroad; and the only enemy an invader ought to fear in their desolate territories, is that want and famine which testifies the good order, strength, and

stability of our author's divine monarchy; the profound wisdom of their kings in subtilty finding out so sure a way of defending the country; their paternal care in providing for the good of their subjects; and that whatsoever is defective in the prince, is assuredly supplied by the sedulity of a good council.

We have already said enough to obviate the objections that may be drawn from the prosperity of the French monarchy. The beauty of it is false and painted. There is a rich and haughty king, who is blessed with such neighbours as are not likely to disturb him, and has nothing to fear from his miserable subjects; but the whole body of that state is full of boils and wounds and putrid sores: there is no real strength in it. The people are so unwilling to serve him, that he is said to have put to death above fourscore thousand of his own soldiers within the space of fifteen years, for flying from their colours; and if he were vigorously attacked, little help could be expected from a discontented nobility, or a starving and despairing people. If to diminish the force of these arguments and examples, it be said, that in two or three thousand years all things are changed; the ancient virtue of mankind is extinguished; and the love that every one had to his country is turned into a care of his private interests: I answer, that time changes nothing, and the changes produced in this time proceed only from the change of governments. The nations which have been governed arbitrarily, have always suffered the

same plagues, and been infected with the same vices; which is as natural as for animals ever to generate according to their kinds, and fruits to be of the same nature with the roots and seeds from which they come. The same order that made men valiant and industrious in the service of their country during the first ages, would have the same effect if it were now in being: men would have the same love to the public as the Spartans and Romans had, if there was the same reason for it. We need no other proof of this than what we have seen in our own country, where in a few years good discipline and a just encouragement given to those who did well, produced more examples of pure, complete, incorruptible, and invincible virtue than Rome or Greece could ever boast; or if more be wanting, they may easily be found among the Switzers, Hollanders, and others: but it is not necessary to light a candle to the sun.

SECTION XXIV.

POPULAR GOVERNMENTS ARE LESS SUBJECT TO CIVIL DISORDERS THAN MONARCHIES; MANAGE THEM MORE ABLY, AND MORE EASILY RECOVER OUT OF THEM.

It is in vain to seek a government in all points free from a possibility of civil wars, tumults, and

seditions: that is a blessing denied to this life, and reserved to complete the felicity of the next. But if these are to be accounted the greatest evils that can fall upon a people, the rectitude or defects of governments will best appear, if we examine which species is more or less exposed to or exempted from them.

This may be done two ways:

1. By searching into the causes from whence they may or usually do arise.

2. Which kind has actually been most frequently and dangerously disturbed by them.

To the first: seditions, tumults, and wars, do arise from mistake, or from malice; from just occasions, or unjust: from mistake, when a people thinks an evil to be done or intended which is not done nor intended, or takes that to be evil which is done though in truth it be not so. Well regulated cities may fall into these errors. The Romans being jealous of their newly recovered liberty, thought that Valerius Publicola designed to make himself king, when he built a house in a place that seemed too strong and eminent for a private man. The Spartans were not less suspicious of Lycurgus; and a lewd young fellow in a sedition put out one of his eyes: but no people ever continued in a more constant affection to their best deserving citizens, than both the Romans and the Spartans afterwards mani-

fested to those virtuous and wrongfully suspected men.

Sometimes the fact is true, but otherwise understood than was intended. When the Tarquins were expelled from Rome, the patricians retained to themselves the principal magistracies: but never thought of bringing back kings, or of setting up a corrupt oligarchy among themselves, as the plebeians imagined: and this mistake being discovered, the fury they had conceived, vanished: and they who seemed to intend nothing less than the extirpation of all the patrician families, grew quiet. Menenius Agrippa appeased one of the most violent seditions that ever happened amongst them (till civil interests were pursued by armed troops) with a fable of the several parts of the body that murmured against the belly: and the most dangerous of all was composed by creating tribunes to protect them. Some of the patrician young men had favoured the decemviri, and others being unwilling to appear against them, the people believed they had all conspired with those new tyrants: but Valerius and Horatius putting themselves at the head of those who sought their destruction, they perceived their error, and looked upon the patricians as the best defenders of their liberties: "*et inde*," says Livy, "*auram libertatis captare, unde servitutem timuissent.*" Democratical governments are most liable to these mistakes: in aristocracies they are seldom seen, and we hear of none in Sparta after the establishment of the laws by Lycurgus; but absolute monarchies seem to be totally

exempted from them. The mischiefs designed are often dissembled or denied, till they are past all possibility of being cured by any other way than force: and such as are by necessity driven to use that remedy, know they must perfect their work, or perish. He that draws his sword against the prince, say the French, ought to throw away the scabbard; for though the design be never so just, yet the authors are sure to be ruined if it miscarry. Peace is seldom made, and never kept, unless the subject retain such a power in his hands as may oblige the prince to stand to what is agreed; and in time some trick is found to deprive them of that benefit.

Seditions proceeding from malice are seldom or never seen in popular governments: for they are hurtful to the people, and none have ever willingly and knowingly hurt themselves. There may be, and often is malice in those who excite them; but the people is ever deceived, and whatsoever is thereupon done, ought to be imputed to error, as I said before. If this be discovered in time, it usually turns to the destruction of the contriver; as in the cases of Manlius Capitolinus, Spurius Melius, and Sp. Cassius: if not, for the most part it produces a tyranny, as in those of Agathocles, Dionysius, Pisistratus, and Cæsar. But in absolute monarchies, almost all the troubles that arise proceed from malice; they cannot be reformed, the extinction of them is exceeding difficult, if they have continued long enough to corrupt the people; and those who appear against them, seek only to set up themselves,

or their friends. Thus we see, that in the civil wars of the east, the question was, whether Artaxerxes or Cyrus, Phraates or Bardanes, should reign over the Persians and Parthians: the people suffered equally from both whilst the contests lasted; and the decision left them under the power of a proud and cruel master. The like is seen in all places. After the death of Brutus and Cassius, no war was ever undertaken in the Roman empire upon a better account than one man's private concernments: the provinces suffered under all: and he whom they had assisted to overthrow one wicked tyrant, very often proved worse than his predecessor. And the only ground of all the dissentions with which France was vexed under the princes of Meroveus and Pepin's races, were, which of them should reign, the people remaining miserable under them all.

The case is not much different in mixed monarchies: some wars may be undertaken upon a just and public account, but the pretences are commonly false: a lasting reformation is hardly introduced, an entire change often disliked. And though such kingdoms are frequently and terribly distracted, as appears by the beforementioned examples of England, Spain, &c. the quarrels are, for the most part, begun upon personal titles, as between Henry the 1st and Robert; Stephen and Maud; or the houses of Lancaster and York: and the people who get nothing by the victory which way soever it fall, and might therefore prudently leave the competitors to decide their own quarrels, like Theorestes and Polinices,

with their own swords, become cruelly engaged in them.

It may seem strange to some that I mention seditions, tumults, and wars, upon just occasions; but I can find no reason to retract the term. God intending that men should live justly with one another, does certainly intend that he or they who do no wrong, should suffer none; and the law that forbids injuries, were of no use, if no penalty might be inflicted on those that will not obey it. If injustice therefore be evil, and injuries forbidden, they are also to be punished; and the law instituted for their prevention must necessarily intend the avenging of such as cannot be prevented. The work of the magistracy is to execute this law; the sword of justice is put into their hands to restrain the fury of those within the society who will not be a law to themselves; and the sword of war to protect the people against the violence of foreigners. This is without exception, and would be in vain if it were not. But the magistrate who is to protect the people from injury, may, and is often known to have done it: he sometimes renders his office useless by neglecting to do justice; sometimes mischievous by overthrowing it. This strikes at the root of God's general ordinance, that there should be laws; and the particular ordinances of all societies that appoint such as seem best to them. The magistrate therefore is comprehended under both, and subject to both, as well as private men.

The ways of preventing or punishing injuries are judicial or extrajudicial. Judicial proceedings are of force against those who submit or may be brought to trial, but are of no effect against those who resist, and are of such power that they cannot be constrained. It were absurd to cite a man to appear before a tribunal who can awe the judges, or has armies to defend him; and impious to think, that he who has added treachery to his other crimes, and usurped a power above the law, should be protected by the enormity of his wickedness. Legal proceedings therefore are to be used when the delinquent submits to the law; and all are just, when he will not be kept in order by the legal.

The word sedition is generally applied to all numerous assemblies; without or against the authority of the magistrate, or of those who assume that power. Athaliah and Jezebel were more ready to cry out treason than David; and examples of that sort are so frequent, that I need not alledge them.

Tumult is from the disorderly manner of those assemblies, where things can seldom be done regularly; and war is that "*decertatio per vim*," or trial by force, to which men come when other ways are ineffectual.

If the laws of God and men are therefore of no effect, when the magistracy is left at liberty to break them; and if the lusts of those who are too strong

for the tribunals of justice, cannot be otherwise restrained than by sedition, tumults, and war, these seditions, tumults, and wars, are justified by the laws of God and man.

I will not take upon me to enumerate all the cases in which this may be done, but content myself with three, which have most frequently given occasion for proceedings of this kind.

The first is, When one or more men take upon them the power and name of a magistracy, to which they are not justly called.

The second, When one or more, being justly called, continue in their magistracy longer than the laws by which they are called do prescribe.

And the third, When he or they who are rightly called, do assume a power, though within the time prescribed, that the law does not give; or turn that which the law does give, to an end different and contrary to that which is intended by it.

For the first; Filmer forbids us to examine titles: he tells us we must submit to the power, whether acquired by usurpation or otherwise, not observing the mischievous absurdity of rewarding the most detestable villanies with the highest honours, and rendering the veneration due to the supreme magistrate, as father of the people, to one who has no other

advantage above his brethren, than what he has gained by injuriously dispossessing or murdering him that was so. Hobbes, fearing the advantages that may be taken from such desperate nonsense, or not thinking it necessary to his end to carry the matter so far, has no regard at all to him who comes in without title or consent; and, denying him to be either king or tyrant, gives him no other name than "*hostis & latro;*" and allows all things to be lawful against him, that may be done to a public enemy or pirate; which is as much as to say, any man may destroy him how he can. Whatever he may be guilty of in other respects, he does in this follow the voice of mankind, and the dictates of common sense: for no man can make himself a magistrate for himself; and no man can have the right of a magistrate, who is not a magistrate.* If he be justly accounted an enemy to all, who injures all; he above all must be the public enemy of a nation, who, by usurping a power over them, does the greatest and most public injury that a people can suffer: for which reason, by an establishe dlaw among the most virtuous nations, every man might kill a tyrant; and no names are recorded in history with more honour than of those who did it.

These are by our authors called "*tyranni sine titulo:*" and that name is given to all those who obtain the supreme power by illegal and unjust means. The laws which they overthrow can give them no

* De Civ. l. 2.

protection; and every man is a soldier against him who is a public enemy.

The same rule holds, though they are more in number; as the magi, who usurped the dominion of Persia after the death of Cambyses; the thirty tyrants at Athens overthrown by Thrasybulus; those of Thebes slain by Pelopidas; the decemviri of Rome, and others: for though the multitude of offenders may sometimes procure impunity, yet that act which is wicked in one, must be so in ten or twenty; and whatsoever is lawful against one usurper, is so against them all.

2. If those who were rightly created, continue beyond the time limited by the law, it is the same thing. That which is expired, is as if it had never been. He that was created consul for a year, or dictator for six months, was after that a private man; and if he had continued in the exercise of his magistracy, had been subject to the same punishment as if he had usurped it at the first. This was known to Epaminondas, who finding that his enterprize against Sparta could not be accomplished within the time for which he was made Bœotarches, rather chose to trust his countrymen with his life than to desist; and was saved merely through an admiration of his virtue, assurance of his good intentions, and the glory of the action.

The Roman decemviri, though duly elected, were proceeded against as private men usurping the ma-

gistracy, when they continued beyond their time. Other magistrates had ceased; there was none that could regularly call the senate or people to an assembly: but when their ambition was manifest, and the people exasperated by the death of Virginia, they laid aside all ceremonies. The senate and people met; and, exercising their authority in the same manner, as if they had been regularly called by the magistrate, appointed to that end, they abrogated the power of the decemviri, proceeded against them as enemies and tyrants, and by that means preserved themselves from utter ruin.

3. The same course is justly used against a legal magistrate, who takes upon him (though within the time prescribed by law) to exercise a power which the law does not give; for in that respect he is a private man, "*quia*," as Grotius says, "*eatenus non habet imperium;*" and may be restrained as well as any other, because he is not set up to do what he lists, but what the law appoints for the good of the people; and as he has no other power than what the law allows, so the same law limits and directs the exercise of that which he has. This right, naturally belonging to nations, is no way impaired by the name of supreme given to their magistrates; for it signifies no more than that they do act sovereignly in the matters committed to their charge. Thus are the parliaments of France called "*cours souveraines;*" for they judge of life and death, determine controversies concerning estates; and there is no appeal from their decrees: but no man ever

thought, that it was therefore lawful for them to do what they pleased; or that they might not be opposed, if they should attempt to do that which they ought not. And though the Roman dictators and consuls were supreme magistrates, they were subject to the people, and might be punished as well as others, if they transgressed the law. Thuanus carries the word so far, that when Balotta, Glustiniano, and others who were but colonels, were sent as commanders in chief of three or four thousand men upon an enterprise, he always says, "*Summum imperium ei delatum.*" Grotius explains this point, by distinguishing those who have the "*summum imperium summo modo*," from those who have it, "*modo non summo.*" I know not where to find an example of this sovereign power, enjoyed without restriction, under a better title than "occupation;" which relates not to our purpose, who seek only that which is legal and just. Therefore, laying aside that point for the present, we may follow Grotius in examining the right of those who are certainly limited: "*Ubi partem imperii habet rex, partem senatus sive populus,*"* in which case he says, "*Regi in partem non suam involanti, vis justa opponi potest,*" inasmuch as they who have a part, cannot but have a right of defending that part; "*qui, data facultate datur jus facultatem tuendi,*" without which it could be of no effect.

The particular limits of the rights belonging to each, can only be judged by the precise letter or

* Grot. de jur. bel. & pac.

general intention of the law. The dukes of Venice have certainly a part in the government, and could not be called magistrates, if they had not. They are said to be supreme; all laws and public acts bear their names. The ambassador of the state, speaking to Pope Paul the 5th,* denied that he acknowledged any other superior than God. But they are so well known to be under the power of the law, that divers of them have been put to death for transgressing it; and a marble gallows is seen at the foot of the stairs in St. Mark's palace, upon which some of them, and no others, have been executed. But if they may be duly opposed, when they commit undue acts, no man of judgment will deny, that if one of them by any outrageous violence should endeavour to overthrow the law, he might by violence be suppresed and chastised.

Again, some magistrates are entrusted with a power of providing ships, arms, ammunition, and victuals for war; raising and disciplining soldiers, appointing officers to command in forts and garrisons, and making leagues with foreign princes and states. But if one of these should embezzle, sell, or give to an enemy those ships, arms, ammunition, or provisions; betray the forts; employ only, or principally, such men as will serve him in those wicked actions; and, contrary to the trust reposed in him, make such leagues with foreigners, as tend to the advancement of his personal interest, and to the detriment of the public; he abrogates his own

* Thuan. l. cxxxvii.

magistracy; and the right he had perishes (as the lawyers say) "*frustratione finis.*" He cannot be protected by the law which he has overthrown, nor obtain impunity for the crimes from his authority that was conferred upon him, only that he might do good with it. He was "*singulis major,*" on account of the excellence of his office; but "*universis minor,*" from the nature and end of the institution. The surest way of extinguishing his prerogative, was by turning it to the hurt of those who gave it. When matters are brought to this posture, the author of the mischief, or the nation, must perish. A flock cannot subsist under a shepherd that seeks its ruin, nor a people under an unfaithful magistrate. Honour and riches are justly heaped upon the heads of those who rightly perform their duty, because the difficulty as well as the excellency of the work is great. It requires courage, experience, industry, fidelity, and wisdom. The good shepherd, says our Saviour, lays down his life for his sheep: the hireling who flies in time of danger, is represented under an ill character; but he that sets himself to destroy his flock, is a wolf. His authority is incompatible with their subsistence; and whoever disapproves tumults, seditions, or war, by which he may be removed from it, if gentler means are ineffectual, subverts the foundation of all law; exalts the fury of one man to the destruction of a nation; and giving an irresistible power to the most abominable iniquity, exposes all that are good to be destroyed, and virtue to be utterly extinguished.

Few will allow such a pre-eminence to the dukes of Venice and Genoa, the advoyers of Switzerland, or the burgomasters of Amsterdam. Many will say these are rascals if they prove false, and ought rather to be hanged, than suffered to accomplish the villanies they design. But if this be confessed in relation to the highest magistrates that are among those nations, why should not the same be in all others, by what name soever they are called? When did God confer upon those nations the extraordinary privilege of providing better for their own safety than others? Or was the gift universal, though the benefit accrue only to those who have banished great titles from among them? If this be so, it is not their felicity, but their wisdom, that we ought to admire and imitate. But why should any think their ancestors had not the same care? Have not they, who retained in themselves a power over a magistrate of one name, the like over another? Is there a charm in words, or any name of such efficacy, that he who receives it should immediately become master of those that created him, whereas all others do remain forever subject to them? Would the Venitian government change its nature, if they should give the name of king to their prince? Are the Polanders less free since the title of king is conferred upon their dukes; or are the Moscovites less slaves, because their chief magistrate has no other than that of duke? If we examine things but a little, it will appear, that magistrates have enjoyed large powers, who never had the name of kings; and

none were ever more restrained by laws than those of Sparta, Arragon, the Goths in Spain, Hungary, Bohemia, Sweden, Denmark, Poland, and others, who had that title. There is therefore no such thing as a right universally belonging to a name, but every one enjoys that which the laws, by which he is, confer upon him. The law that gives the power, regulates it; and they who give no more than what they please, cannot be obliged to suffer him to whom they give it to take more than they thought fit to give, or to go unpunished if he do. The agreements made are always confirmed by oath, and the treachery of violating them is consequently agravated by perjury. They are good philosophers, and able divines, who think this can create a right to those who had none; or that the laws can be a protection to such as overthrow them, and give opportunity of doing the mischiefs they design. If it do not, then he that was a magistrate, by such actions returns into the condition of a private man; and whatever is lawful against a thief, who submits to no law, is lawful against him.

Men who delight in cavils, may ask, who shall be the judge of the occasions? and whether I intend to give to the people the decision of their own cause? To which I answer, that when the contest is between the magistrate and the people, the party to which the determination is referred, must be the judge of his own case; and the question is only, whether the magistrate should depend upon the judgment of the

people, or the people on that of the magistrate; and which is most to be suspected of injustice: that is, whether the people of Rome should judge Tarquin, or Tarquin judge the people. He that knew all good men abhorred him for the murder of his wife, brother, father-in-law, and the best of the senate, would certainly strike off the heads of the most eminent remaining poppies; and having incurred the general hatred of the people by the wickedness of his government, he feared revenge; and endeavouring to destroy those he feared (that is the city) he might easily have accomplished his work, if the judgment had been referred to him. If the people judge Tarquin, it is hard to imagine how they should be brought to give an unjust sentence: they loved their former kings, and hated him only for his villanies: they did not fancy, but know his cruelty. When the best was slain, no man that any way resembled them could think himself secure. Brutus did not pretend to be a fool, till by the murder of his brother he found how dangerous a thing it was to be thought wise. If the people, as our author says, be always lewd, foolish, mad, wicked, and desirous to put the power into the hands of such as are most like to themselves, he and his sons were such men as they sought, and he was sure to find favourable judges: if virtuous and good, no injustice was to be feared from them, and he could have no other reason to decline their judgment, than what was suggested by his own wickedness. Caligula, Nero, Domitian, and the like, had probably the same considerations: but no man of common sense ever

thought that the senate and people of Rome did not better deserve to judge whether such monsters should reign over the best part of mankind to their destruction, than they to determine whether their crimes should be punished or not.

If I mention some of these known cases, every man's experience will suggest others of the like nature; and whosoever condemns all seditions, tumults and wars, raised against such princes, must say that none are wicked, or seek the ruin of their people, which is absurd; for Caligula wished the people had but one neck, that he might cut it off at a blow: Nero set the city on fire; and we have known such as have been worse than either of them: they must either be suffered to continue in the free exercise of their rage, that is, to do all the mischief they design; or must be restrained by a legal, judicial, or extrajudicial way: and they who disallow the extrajudicial, do as little like the judicial. They will not hear of bringing a supreme magistrate before a tribunal, when it may be done. "They will," says our author, "depose their kings." Why should they not be deposed, if they become enemies to their people, and set up an interest in their own persons inconsistent with the public good, for the promoting of which they were erected? If they were created by the public consent, for the public good, shall they not be removed when they prove to be of public damage? If they set up themselves, may they not be thrown down? Shall it be lawful for them to usurp a power over the liberty of others, and shall it not be lawful

for an injured people to resume their own? If injustice exalt itself, must it be forever established? Shall great persons be rendered sacred by rapine, perjury, and murder? Shall the crimes for which private men do justly suffer the most grievous punishments, exempt them from all, who commit them in the highest excess, with most power, and most to the prejudice of mankind? Shall the laws that solely aim at the prevention of crimes be made to patronize them, and become snares to the innocent, whom they ought to protect? Has every man given up into the common store his right of avenging the injuries he may receive, that the public power, which ought to protect or avenge him, should be turned to the destruction of himself, his posterity, and the society into which they enter, without any possibility of redress? Shall the ordinance of God be rendered of no effect; or the powers he hath appointed to be set up for the distribution of justice, be made subservient to the lusts of one or a few men, and by impunity encourage them to commit all manner of crimes? Is the corruption of man's nature so little known, that such as have common sense should expect justice from those, who fear no punishment if they do injustice; or that the modesty, integrity, and innocence which is seldom found in one man, though never so cautiously chosen, should be constantly found in all those who by any means attain to greatness, and continue forever in their successors; or that there can be any security under their government, if they have them not? Surely if this were the condition of men living under government, forests

would be more safe than cities; and it were better for every man to stand in his own defence, than to enter into societies. He that lives alone might encounter such as should assault him upon equal terms, and stand or fall according to the measure of his courage and strength; but no valour can defend him, if the malice of his enemy be upheld by a public power. There must therefore be a right of proceeding judicially or extrajudicially against all persons who transgress the laws; or else those laws, and the societies that should subsist by them, cannot stand; and the ends for which governments are constituted, together with the governments themselves, must be overthrown. Extrajudicial proceedings, by sedition, tumult, or war, must take place, when the persons concerned are of such a power that they cannot be brought under the judicial. They who deny this, deny all help against an usurping tyrant, or the perfidiousness of a lawfully created magistrate, who adds the crimes of ingratitude and treachery to usurpation. These of all men are the most dangerous enemies to supreme magistrates: for as no man desires indemnity for such crimes as are never committed, he that would exempt all from punishment, supposes they will be guilty of the worst; and by concluding, that the people will depose them if they have the power, acknowledge that they pursue an interest annexed to their persons, contrary to that of their people, which they would not bear if they could deliver themselves from it. This shewing all those governments to be tyrannical, lays such a burden upon those who administer them as must necessarily weigh them down to destruction.

If it be said, that the word sedition implies that which is evil; I answer, that it ought not then to be applied to those who seek nothing but that which is just; and though the ways of delivering an oppressed people from the violence of a wicked magistrate, who has armed a crew of lewd villains, and fatted them with the blood and confiscations of such as were most ready to oppose him, be extraordinary, the inward righteousness of the act doth fully justify the authors. "He that has virtue and power to save a people, can never want a right of doing it." Valerius Asiaticus had no hand in the death of Caligula; but when the furious guards began tumultuously to inquire who had killed him, he appeased them with wishing he had been the man. No wise man ever asked by what authority Thrasybulus, Harmodius, Aristogiton, Pelopidas, Epaminondas, Dion, Timoleon, Lucius Brutus, Publicola, Horatius, Valerius, Marcus Brutus, C. Cassius, and the like, delivered their country from tyrants.* Their actions carried in themselves their own justification, and their virtues will never be forgotten whilst the names of Greece and Rome are remembered in the world.

If this be not enough to declare the justice inherent in, and the glory that ought to accompany these

* Utinam fecissem.† Tac.

† This is not told any where, I believe, in Tacitus. The whole life of Caligula, and the beginning of Claudius' reign, are lost. The sixth book of his Annals finishes with the death of Tiberius, and the eleventh opens with an account of this Valerius Asiaticus in the time of Claudius. The fact is told by Dion Cassius, at the end of his 59th book.

works, the examples of Moses, Aaron, Othniel, Ehud, Barak, Gideon, Samuel, Jepthah, David, Jehu, Jehoida, the Maccabees, and other holy men raised up by God for the deliverance of his people from their oppressors, decide the question. They are perpetually renowned for having led the people by extraordinary ways (which such as our author express under names of sedition, tumult, and war) to recover their liberties, and avenge the injuries received from foreign or domestic tyrants. The work of the apostles was not in their time to set up or pull down any civil state; but they so behaved themselves in relation to all the powers of the earth, that they gained the name of pestilent, seditious fellows, disturbers of the peace; and left it as an inheritance to those who in succeeding ages, by following their steps, should deserve to be called their successors; whereby they were exposed to the hatred of corrupt magistrates, and brought under the necessity of perishing by them, or defending themselves against them; and he that denies them that right, does at once condemn the most glorious actions of the wisest, best, and holiest men that have been in the world, together with the laws of God and man, upon which they were founded.

Nevertheless, there is a sort of sedition, tumult, and war, proceeding from malice, which is always detestable, aiming only at the satisfaction of private lust, without regard to the public good. This cannot happen in a popular government, unless it be amongst the rabble; or when the body of the peo-

ple is so corrupted, that it cannot stand; but is most frequent in, and natural to, absolute monarchies. When Abimelech desired to make himself king, he raised a tumult among the basest of the people:* he hired light and vain persons, some [translations call them lewd vagabonds] killed his brethren, but perished in his design; the corrupt party that favoured him not having strength enough to subdue the other, who were more sincere. †Sp. Melius, ‡Sp. Cassius, and §Manlius, attempted the like in Rome: they acted maliciously, their pretences to procure the public good were false. It is probable that some in the city were as bad as they, and knew that mischief was intended; but the body of the people not being corrupted, they were suppressed. It appeared, says Livy, "*nihil esse minus populare quam regnum:*" they who had favoured Manlius, condemned him to death, when it was proved, that "*egregias alioqui virtutes fœda regni cupidine maculâsset.*" But when the people is generally corrupted, such designs seldom miscarry, and the success is always the erection of a tyranny. Nothing else can please vain and profligate persons, and no tyranny was ever set up by such as were better qualified. The ways of attaining it have always been by corrupting the manners of the people, bribing soldiers, entertaining mercenary strangers, opening prisons, giving liberty to slaves, alluring indigent persons with hopes of abolishing debts, coming to a new division of lands,

* Judg. ix. † Livy, l. iv. c. 13, 14.

‡ Id. l. ii. c. 41. § Id. l. vi. c. 11....20.

and the like. Seditions raised by such men always tend to the ruin of popular governments; but when they happen under absolute monarchies, the hurt intended is only to the person, who being removed, the promoters of them set up another; and he that is set up, subsisting only by the strength of those who made him, is obliged to foment the vices that drew them to serve him; though another may perhaps make use of the same against him.

The consequence of this is, that those who uphold popular governments, look upon vice and indigence as mischiefs that naturally increase each other, and equally tend to the ruin of the state. When men are by vice brought into want, they are ready for mischief: there is no villany that men of profligate lives, lost reputation, and desperate fortunes, will not undertake. Popular equality is an enemy to these; and they who would preserve it must preserve integrity of manners, sobriety, and an honest contentedness with what the law allows. On the other side, the absolute monarch, who will have no other law than his own will, desires to increase the number of those who through lewdness and beggary may incline to depend upon him; though the same temper of mind and condition of fortune prepare them also for such seditions as may bring him into danger; and the same corruption which led them to set him up, may invite them to sell him to another that will give them better wages.

I do not by this conclude, that all monarchs are vicious men; but that whosoever will set up an absolute power, must do it by these means; and that if such a power be already established, and should fall into the hands of a person, who by his virtue and the gentleness of his nature should endeavour to render the yoke so easy that a better disciplined people might be contented to bear it; yet this method could last no longer than his life, and probably would be a means to shorten it; that which was at first established by evil arts always returning to the same: that which was vicious in the principle, can never be long upheld by virtue; and we see, that the worst of the Roman emperors were not in greater danger from such good men as remained undestroyed, than the best from the corrupt party that would not be corrected, and sought such a master as would lay no restriction upon their vices. Those few who escaped the rage of these villains, only gave a little breathing-time to the afflicted world, which by their children or successors was again plunged into that extremity of misery, from which they intended to deliver it. An extraordinary virtue was required to keep a prince in a way contrary to the principles of his own government; which being rarely found, and never continued long in a family or succession of men, the endeavours of the best became ineffectual, and either they themselves perished in them, or after their death all things returned into the old polluted channel.

Though the power of the Hebrew kings was not unlimited, yet it exceeded the rule set by God, and was sufficient to increase the number of the worst of men, and to give them opportunities of raising perpetual disturbances. On the king's side there were flatterers and instruments of mischief: on the other side there were indebted and discontented persons. Notwithstanding the justice of David's cause, the wisdom, valour, and piety of his person, none would follow him, except a few of his own kindred (who knew what God had promised to him) and such as were uneasy in their worldly circumstances. After the death of Saul, there was a long and bloody war between Ishbosheth and David. The former being killed, the slightest matters were sufficient to put the whole nation into blood. Absalom with a few fair words was able to raise all Israel against his father: Sheba the son of Bichri with as much ease raised a more dangerous tumult: David, by wisdom, valour, and the blessing of God, surmounted these difficulties, and prepared a peaceable reign for Solomon; but after his death they broke out into a flame that was never quenched till the nation was so dispersed, that no man knew were to find his enemies. Solomon by his magnificence had reduced Israel to such poverty, as inclined them to revolt upon the first offer of an opportunity by Jeroboam. From that time forward Israel was perpetually vexed with civil seditions and conspiracies, or wars with their brethren of Judah. Nine kings with their families were destroyed by the first, and the latter brought such slaughters upon the miserable people as were never suffered

by any who were not agitated with the like fury; and the course of these mischiefs was never interrupted, till they had brought the nation into captivity, and the country to desolation. Though God, according to his promise, did preserve a light in the house of David; yet the tribe of Judah was not the more happy. Joash was slain by a private conspiracy, and Amaziah (as is most probable) by public authority, for having foolishly brought a terrible slaughter upon Judah. Athaliah destroyed the king's race, was killed herself by Jehoiada, who, not having learnt from our author to regard the power only, and not the ways by which it was obtained, caused her to be dragged out of the temple and put to a well deserved death. The whole story is a tragedy: and if it be pretended, this proceeded rather from the wrath of God against his people for their idolatry, than from such causes as are applicable to other nations, I answer, that this idolatry was the production of the government they had set up, and most suitable to it; and chusing rather to subject themselves to the will of a man, than to the law of God, they deservedly suffered the evils that naturally follow the worst counsels. We know of none who, taking the like course, have not suffered the like miseries. Notwithstanding the admirable virtue and success of Alexander, his reign was full of conspiracies, and his knowledge of them prompted him to destroy Parmenio, Philotas, Clytus, Callisthenes, Hermolaus, and many more of his best friends. If he escaped the sword, he fell by poison. The murder of his wives, mother, and children, by the rage of his own soldiers; the fury of

his captains employed in mutual slaughters, till they were consumed; his paternal kingdom, after many revolutions, transferred to Cassander his most mortal enemy; the utter extinction of his conquering army, and particularly the famous Argyraspides, who, being grown faithless and seditious, after the death of Eumenes were sent to perish in unknown parts of the east; abundantly testify the admirable stability, good order, peace, and quiet, that is enjoyed under absolute monarchy. The next government of the like nature that appeared upon the stage of the world was that of Rome, introduced by wars that consumed two thirds of the people; confirmed by proscriptions, in which all that were eminent for nobility, riches, or virtue, perished. The peace they had under Augustus was like that which the devil allowed to the child in the Gospel,* whom he rent sorely and left as dead. The miserable city was only cast into a swoon; after long and violent vexations by seditions, tumults, and wars, it lay as dead; and finding no helper like to him who cured the child, it was delivered to new devils to be tormented, till it was utterly destroyed. Tiberius was appointed as a fit instrument for such a purpose. It was thought that those who should feel the effects of his pride, cruelty, and lust, would look upon the death of Augustus as a loss. He performed the work for which he was chosen; his reign was an uninterrupted series of murders, subornation, perjuries, and poisonings, intermixed with the most de-

* Mar. ix. 26.

testable impurities, the revolts of provinces, and mutinies of armies. The matter was not mended by his successors: Caligula was killed by his own guards: Claudius poisoned by his wife: Spain, Gaul, Germany, Pannonia, Mæsia, Syria, and Egypt, revolted at once from Nero; the people and senate followed the example of the provinces. This I think was, in our author's sense, sedition with a witness. Nero being dead by the hand of a slave, or his own, to prevent that of the hangman, Galba entered the city with blood and slaughter; but when his own soldiers found he would not give the money for which they intended to sell the empire, they killed him; and, to shew the stability of absolute monarchy, it may be observed, that this was not done by the advice of the senate, or by a conspiracy of great men; "*Suscepere duo manipulares populi Romani imperium transferendum and transtulerunt.*"* Two rascals gave the empire to Otho, and the whole senate was like to be butchered for not being so ready to follow their venerable authority as they ought to have been, and hardly escaped the fury of their mad and drunken companions. As a farther testimony that these monarchies are not subject to sedition and tumults, he had at once only two competitors against whom he was to defend the well acquired empire; his army was defeated at Brescia; he killed himself; and his successor Vitellius was soon after thrown into the common sewer. The same method still continued: Rome

* C. Tacit. hist. l. i. c. 25.

was filled with blood and ashes; and to recite all the public mischiefs would be to transcribe the history: for as Pyrrhus, being asked who should succeed him, answered, he who has the sharpest sword; that was the only law that governed in the following ages. Whoever could corrupt two or three legions, thought he had a good title to the empire; and unless he happened to be killed by treachery, or another tumult of his own soldiers, he seldom receded from it without a battle, wherein he that was most successful had no other security than what the present temper of the soldiers afforded him; and the miserable provinces, having neither virtue nor force, were obliged slavishly to follow the fury or fortune of those villains. In this state did Rome dedicate to Constantine the triumphal arch, that had been prepared for Maxentius; and those provinces which had set up Albinus and Niger submitted to Septimius Severus. In the vast variety of accidents that in those ages disturbed the world, no emperor had a better title than what he purchased by money or violence; and enjoyed it no longer than those helps continued, which of all things were the most uncertain. By this means most of the princes perished by the sword, Italy was made desolate, and Rome was several times sacked and burnt. The mistress of the world being made a slave, the provinces which had been acquired by the blood of her ancient virtuous citizens, became part of an usurpers patrimony, who without any regard to the public good, distributed them to his children according to their number, or his passion. These either destroyed one another, or fell under

the sword of a third, who had the fortune of their father, the greatest part most commonly falling to the share of the worst. If at any time the contrary happened, the government of the best was but a lucid interval. Well-wishing men grew more extremely to abhor the darkness that followed when they were gone. The best of them could do no more than suspend mischief for a while, but could not correct the corrupt principle of their government; some of them were destroyed as soon as they were thought to intend it: and others, who finished their days in peace, left the empire to such persons of their relations as were most unlike to them. Domitian came in as brother to Titus. Commodus and Heliogabalus were recommended by the memory of those virtues which had been found in Antoninus and Aurelius. Honorius and Arcadius, who by their baseness brought utter ruin upon the western and eastern empires, were the sons of the brave Theodosius. They who could keep their hands free from blood, and their hearts from malice, covetousness, and pride, could not transmit their virtues to their successors, nor correct the perverseness that lay at the root and foundation of their government. The whole mass of blood was vitiated: the body was but one vast sore, which no hand but that of the Almighty could heal; and he, who from an abhorrence of iniquity had declared he would not hear the cries of his own people, when they had chosen the thing that was not good, would not shew mercy to strangers, who had done the same thing.

I have insisted upon the Hebrew, Macedonian, and Roman histories, because they are the most eminent, and best known to us: we are in the dark concerning the Babylonian, Assyrian, Chaldean, Bactrian, and Egyptian monarchies: we know little more of them than the scripture occasionally relates concerning their barbarous cruelty and bestial pride, and extravagant folly. Others have been like to them, and I know not where to find a peaceable monarchy unless it be in Peru, where the Ynca Garcilasso de la Vega, says, that a man and a woman, children of the sun and the moon, appearing amongst a barbarous people, living without any religion or law, established a government amongst them, which continued in much peace and justice for twelve generations: but this seeming to be as fabulous as their birth, we may pass it over, and fix upon those that are better known; of which there is not one that has not suffered more dangerous and mischievous seditions, than all the popular governments that have been in the world: and the condition of those kingdoms which are not absolute, and yet give a preference to birth, without consideration of merit or virtue, is not much better.

This is proved by the reasons of those seditions and tumults, as well as from the fact itself.

The reasons do arise from the violence of the passions that incite men to them, and the intricacy of the questions concerning succession.

Every man has passions; few know how to moderate, and no one can wholly extinguish them. As they are various in their nature, so they are governed by various objects; and men usually follow that which is predominant in them, whether it terminate in ambition, covetousness, lust, or any other more or less blameable appetite. Every manner of life furnishes something, that, in some measure, may foment these: but a crown comprehends all that can be grateful to the most violent and vicious. He who is covetous, has vast revenues, besides what he may get by fraud and rapine, to satisfy his appetite. If he be given to sensuality, the variety of pleasures and the facility of accomplishing whatever he desires, tends farther to inflame that passion. Such as are ambitious are incited by the greatness of their power to attempt great matters; and the most sottish or lazy may discharge themselves of cares, and hope that others will be easily hired to take the burden of business upon them, whilst they lie at ease. They who naturally incline to pride and cruelty, are more violently tempted to usurp dominion; and the wicked advices of flatterers, always concurring with their passions, incite them to exercise the power they have gotten with the utmost rigour, to satiate their own rage, and to secure themselves against the effects of the public hatred, which they know they have deserved. If there be, as our author says, no other rule than force and success, and that he must be taken for the father of a people who is in possession of a power over them; whoever has the one, may put the other to a trial. Nay, even those who have

regard to justice, will seldom want reasons to persuade them that it is on their side. Something may be amiss in the state; injuries may be done to themselves and their friends. Such honours may be denied as they think they deserve; or others of less merit, as they suppose, may be preferred before them. Men do so rarely make a right estimate of their own merits, that those who mean well may be often deceived: and if nothing but success be required to make a monarch, they may think it just to attempt whatever they can hope to accomplish. This was the case of Julius Cæsar; he thought all things lawful, when the consulate, which he supposed he deserved, was denied.

"Viribus utendum est quas fecimus: arma tenenti
"Omnia dat, qui justa negat."

LUCAN.

These enterprizes seem to belong to men of great spirits; but there are none so base not to be capable of undertaking, and (as things may stand) of bringing them to perfection. History represents no man under a more contemptible character of sottish laziness, cowardice, and drunkenness, than Vitellius; no one more impure and sordid than Galba: Otho was advanced for being in his manners like to Nero: Vespasian was scorned for his avarice, till the power fell into such hands as made the world believe none could be unworthy of the empire; and in the following ages the worst men by the worst means most frequently obtained it.

These wounds are not cured, by saying that the law of God and nature prevents this mischief, by annexing the succession of crowns to proximity of blood; for mankind had not been continually afflicted with them, if there had been such a law, or that they could have been prevented by it: and though there were such a law, yet more questions would arise about that proximity, than any wise man would dare to determine. The law can be of no effect, unless there be a power to decide the contests arising upon it: but the fundamental maxim of the great monarchies is, that there can be no "*interregnum:*" the heir of the crown is in possession, as soon as he who did enjoy it is dead. "*Le mort,*" as the French say, "*saisit le vif:*" there can be therefore no such law, or it serves for nothing. If there be judges to interpret the law, no man is a king till judgment be given in his favour; and he is not king by his own title, but by the sentence given by them. If there be none, the law is merely imaginary, and every man may, in his own case, make it what he pleases. He who has a crown in his view, and arms in his hand, wants nothing but success to make him a king; and if he prosper, all men are obliged to obey him.

It is a folly to say the matter is clear, and needs no decision; for every man knows, that no law concerning private inheritances can be so exactly drawn, but many controversies will arise upon it, that must be decided by a power to which both parties are subject: and the disputes concerning kingdoms are so

much the more difficult, because this law is no where to be found; and the more dangerous, because the competitors are for the most part more powerful.

Again, this law must either be general to all mankind, or particular to each nation. If particular, a matter of such importance requires good proof when, where, how, and by whom it was given to every one. But the scriptures testifying to the contrary, that God gave laws to the Jews only, and that no such thing as hereditary monarchy, according to the proximity of blood, was prescribed by them, we may safely say, that God did never give any such law to every particular, nor to any nation. If he did not give it to any one, he did not give it to all, for every one is comprehended in all; and if no one has it, it is impossible that all can have it; or that it should be obligatory to all, when no man knows, or can tell, when, where, and by what hand it was given, nor what is the sense of it: all which is evident by the various laws and customs of nations in the disposal of hereditary successions: and no one of them, that we know, has to this day been able to shew, that the method followed by them, is more according to nature than that of others.

If our author pretend to be God's interpreter, and to give the solution of these doubts, I may ask which of the five following ways are appointed by God, and then we may examine cases resulting from them.

1. In France, Turkey, and other places, the succession comes to the next male, in the strait eldest line, according to which the son is preferred before the brother of him who last enjoyed the crown (as the present king of France before his uncle the duke of Orleans) and the son of the eldest before the brothers of the eldest; as in the case of Richard the 2d of England, who was advanced preferably to all the brothers of the black prince his father.

2. Others keep to the males of the reigning family, yet have more regard to the eldest man than to the eldest line: and representation taking no place among them, the eldest man is thought to be nearest to the first king; and a second son of the person that last reigned, to be nearer to him than his grandchild by the eldest son; according to which rule, any one of the sons of Edward the 3d remaining after his death, should have been preferred before Richard the 2d, who was his grandchild.

3. In the two cases before-mentioned, no manner of regard is had to females, who being thought naturally incapable of commanding men, or performing the functions of a magistrate, are, together with their descendants, utterly excluded from the supreme as well as from the inferior magistracies; and in Turkey, France, and other great kingdoms, have no pretence to any title: but in some places, and particularly in England, the advantages of proximity belong to them as well as to males; by which means

our crown has been transported to several families and nations.

4. As in some places they are utterly rejected, and in others received simply without any condition; so those are not wanting, where that of not marrying out of the country, or without the consent of the estates, is imposed, of which Sweden is an example.

5. In some places proximity of blood is only regarded, whether the issue be legitimate or illegitimate; in others bastards are wholly excluded.

By this variety of judgments, made by several nations upon this point, it may appear, that though it were agreed by all, that the next in blood ought to succeed, yet such contests would arise upon the interpretation and application of the general rule, as must necessarily be a perpetual spring of irreconcilable and mortal quarrels.

If any man say, the rule observed in England is that which God gave to mankind; I leave him first to dispute that point with the kings of France, and many others, who can have no right to the crowns they wear, if it be admitted; and, in the next place, to prove that our ancestors had a more immediate communication with God, and a more certain knowledge of his will than others who, for any thing we know, may be of authority equal to them: but in the mean time we may rationally conclude, that if

there be such a rule, we have had no king in England for the space of almost a thousand years, having not had one who did not come to the crown by a most manifest violation of it; as appears by the forecited examples of William the 1st and 2d; Henry the 1st, Henry the 2d and his children; John, Edward the 3d, Henry the 4th, Edward the 4th and his children; Henry the 7th, and all that claim under any of them. And if possession or success can give a right, it will I think follow, that Jack Straw, Wat Tyler, Perkin Warbeck, or any other rascal, might have had it, if he had been as happy as bold in his enterprize. This is no less than to expose crowns to the first that can seize them, to destroy all law and rule, and to render right a slave to fortune. If this be so, a late earl of Pembroke, whose understanding was not thought great, judged rightly when he said his grandfather was a wise man, though he could neither write nor read, inasmuch as he resolved to follow the crown, though it were upon a coalstaff. But if this be sufficient to make a wise man, it is pity the secret was no sooner discovered, since many who for want of it lived and died in all the infamy that justly accompanies knavery, cowardice, and folly, might have gained the reputation of the most excellent men in their several ages. The bloody factions with which all nations subject to this sort of monarchy have been perpetually vexed, might have been prevented by throwing up cross or pile, or by battle between the competitors body to body, as was done by Corbis and Orsua, Cleorestes and Polynices, Ironside and Canutus; it being most

unreasonable, or rather impiously absurd for any to venture their lives and fortunes, when their consciences are not concerned in the contest, and that they are to gain nothing by the victory.

If reason teaches, that till this expeditious way of ending controversies be received, the ambition of men will be apt to embroil nations in their quarrels, and others judging variously of those matters, which can be reduced to no certain rule, will think themselves in conscience obliged to follow the party that seems to them to be most just; experience manifests the same, and that ambition has produced more violent mischiefs than all the other desires and passions that have ever possessed the hearts of men. That this may appear, it will not be amiss to divide them into such as proceed from him who is in possession of the power, through jealousy of state, as they call it, to prevent the enterprizes of those who would dispossess him, and such as arise between competitors contending for it.

Tarquin's counsel concerning the poppies, and Periander's heads of corn, are of the first sort. The most eminent are always most feared as the readiest to undertake, and most able to accomplish, great designs. This eminence proceeds from birth, riches, virtue, or reputation; and is sometimes wrought up to the greatest height by a conjunction of all these. But I know not where to find an example of such a man, who could long subsist under absolute mon-

archy. If he be of high birth, he must, like Brutus, conceal his virtue, and gain no reputation, or resolve to perish, if he do not prevent his own death by that of the tyrant: all other ways are ineffectual: the suspicions, fears, and hatred, thereupon arising, are not to be removed; personal respects are forgotten, and such services as cannot be sufficiently valued, must be blotted out by the death of those who did them. Various ways may be taken, and pretences used, according to the temper of times and nations; but the thing must be done; and whether it be coloured by a trick of law, or performed by a mute with a bowstring, imports little. Henry the 4th was made king by the earl of Northumberland and his brave son Hotspur; Edward the 4th by the valiant earl of Warwick; Henry the 7th by Stanly; but neither of them could think himself safe, till his benefactor was dead. No continued fidelity, no testimonies of modesty and humility, can prevent this. The modesty of Germanicus in rejecting the honours that were offered to him, and his industry in quieting the mutinied legions, accelerated his ruin: when it was evident he might be emperor if he pleased, he must be so, or die: there was no middle station between the throne and the grave. It is probable that Caligula, Nero, and other beasts like to them, might hate virtue for the good which is in it: but I cannot think that either they, their predecessors, or successors, would have put themselves upon the desperate design of extirpating it, if they had not found it to be inconsistent with their government; and that being once concluded, they spared none of their nearest

relations. Artaxerxes killed his son Darius: Herod murdered the best of his wives, and all his sons except the worst. Tiberius destroyed Agrippa Posthumus, and Germanicus, with his wife and two sons. How highly soever Constantine the Great be commended he was polluted with the blood of his father-in-law, wife, and son. Philip the 2d of Spain, did in the like manner deliver himself from his fears of Don Carlos; and it is not doubted, that Philip the 4th, for the same reasons, dispatched his brother Don Carlos, and his son Balthasar. The like cases were so common in England, that all the Plantagenets, and the noble families allied to them, being extinguished, our ancestors were sent to seek a king in one of the meanest in Wales.

This method being known, those who are unwilling to die so tamely, endeavour to find out ways of defending themselves; and there being no other than the death of the person who is in the throne, they usually seek to compass it by secret conspiracy, or open violence; and the number of princes that have been destroyed and countries disturbed by those who through fear have been driven to extremities, is not much less than of those who have suffered the like from men following the impulse of their own ambition.

The disorders arising from contests between several competitors, before any one could be settled in the possession of kingdoms, have been no less frequent and bloody than those above-mentioned, and

the miseries suffered by them, together with the ruin brought upon the empires of Macedon and Rome, may be sufficient to prove it; however, to make the matter more clear, I shall alledge others. But because it may be presumption in me to think I know all the histories of the world, or tedious to relate all those I know, I shall content myself with some of the most eminent and remarkable: and if it appear, that they have all suffered the same mischiefs, we may believe they proceed not from accidents, but from the power of a permanent cause, that always produces the same or the like effects.

To begin with France. The succession not being well settled in the time of Meroveus, who dispossessed the grandchildren of Pharamond, he was no sooner dead than Gillon set up himself, and with much slaughter drove Chilperic his son out of the kingdom; and he after a little time returning with like fury, is said to have seen a vision, first of lions and leopards, then of bears and wolves, and lastly of dogs and cats, all tearing one another to pieces.* This has been always accounted by the French to be a representation of the nature and fortune of the three races that were to command them, and has been too much verified by experience. Clovis their first christian and most renowned king, having by good means or evil, exceedingly enlarged his territories,† but chiefly by the murders of Alaric and Rag-

* Hist. de France en la vie de Chilperic I.

† Mezeray & de Serres.

nacaire, with his children, and suborning Sigismond of Metz to kill his father Sigebert, left his kingdom to be torn in pieces by the rage of his four sons, each of them endeavouring to make himself master of the whole; and when, according to the usual fate of such contests, success had crowned Clothaire, who was the worst of them all, by the slaughter of his brothers and nephews, with all the flower of the French and Gaulish nobility, the advantage of his fortune only resulted to his own person. For after his death, the miserable nations suffered as much from the madness of his sons as they had done by himself and his brothers. They had learnt from their predecessors not to be slow in doing mischief; but were farther incited by the rage of two infamous strumpets, Fredegonde and Brunehaud, which is a sort of vermin that I am inclined to think has not usually governed senates or popular assemblies. Chilperic the 2d, who by the slaughter of many persons of the royal blood, with infinite numbers of the nobility and people, came to be master of so much of the country as procured him the name of king of France, killed his eldest son on suspicion that he was excited against him by Brunehaud; and his second, lest he should revenge the death of his brother: he married Fredegonde, and was soon after killed by her adulterer, Landry. The kingdom continued in the same misery, through the rage of the surviving princes, and found no relief, though most of them fell by the sword; and that Brunehaud, who had been a principal cause of those tragedies, was tied to the tails of four wild horses, and

suffered a death as foul as her life. These were lions and leopards. They involved the kingdom in desperate troubles; but, being men of valour and industry, they kept up in some measure the reputation and power of the nation; and he who attained to the crown defended it. But they being fallen by the hands of each other, the poisonous root put forth another plague more mortal than their fury. The vigour was spent, and the succession becoming more settled, ten base and slothful kings, by the French called "*les roys faineans*," succeed. Some may say, they who do nothing, do no hurt; but the rule is false in relation to kings. He that takes upon him the government of a people, can do no greater evil than by doing nothing; nor be guilty of a more unpardonable crime, than by negligence, cowardice, voluptuousness, and sloth, to desert his charge. Virtue and manhood perish under him; good discipline is forgotten; justice slighted; the laws perverted, or rendered useless; the people corrupted; the public treasures exhausted; and the power of the government always falling into the hands of flatterers, whores, favourites, bawds, and such base wretches as render it contemptible, a way is laid open for all manner of disorders. The greatest cruelty that has been known in the world, if accompanied with wit and courage, never did so much hurt as this slothful bestiality; or rather these slothful beasts have ever been most cruel. The reigns of Septimius Severus, Mahomet the 2d, or Selim the 2d, were cruel and bloody; but their fury was turned against foreigners and some of their near

relations, or against such as fell under the suspicion of making attempts against them; the condition of the people was tolerable; those who would be quiet might be safe; the laws kept their right course; the reputation of the empire was maintained, the limits defended, and the public peace preserved. But when the sword passed into the hands of lewd, slothful, foolish, and cowardly princes, it was of no power against foreign enemies or disturbers of the domestic peace, though always sharp against the best of their own subjects. No man knew how to secure himself against them, unless by raising civil wars; which will always be frequent, when a crown defended by a weak hand is proposed as a prize to any that dare invade it. This is a perpetual spring of disorders; and no nation was ever quiet, when the most eminent men found less danger in the most violent attempts, than in submitting patiently to the will of a prince that suffers his power to be managed by vile persons, who get credit by flattering him in his vices. But this is not all: such princes naturally hate and fear those who excel them in virtue and reputation, as much as they are inferior to them in fortune; and think their persons cannot be secured, nor their authority enlarged, except by their destruction. It is ordinary for them, "*inter scorta & ganeas principibus viris pernicem machinari,*"* and to make cruelty a cover to ignorance and cowardice. Besides the mischiefs brought upon the public by the loss of eminent men, who are the pillars of every

* C. Tacit.

state, such reigns are always accompanied with tumults and civil wars, the great men striving with no less violence who shall get the weak prince into his power, when such regard is had to succession, that they think it not fit to divest him of the title, than when with less respect they contend for the sovereignty itself. And, whilst this sort of princes reigned, France was not less afflicted with the contests between Grimbauld, Ebroin, Grimoald, and others, for the mayoralty of the palace, than they had been before by the rage of those princes who had contested for the crown. The issue also was the same: after many revolutions, Charles Martel gained the power of the kingdom, which he had so bravely defended against the Saracens; and having transmitted it to his son Pepin, the general assembly of estates, with the approbation of mankind, conferred the title also upon him. This gave the nation ease for the present; but the deep-rooted evil could not be so cured; and the kingdom, that by the wisdom, valour, and reputation of Pepin, had been preserved from civil troubles during his life, fell as deeply as ever into them so soon as he was dead. His sons, Carloman and Charles, divided the dominions; but in a little time each of them would have all. Carloman filled the kingdom with tumult, raised the Lombards, and marched with a great army against his brother, till his course was interrupted by death, caused, as is supposed, by such helps as princes liberally afford to their aspiring relations. Charles deprived his two sons of their inheritance, put them in prison, and we hear no more

of them. His third brother Griffon was not more quiet, nor more successful; and there could be no peace in Gascony, Italy, or Germany, till he was killed. But all the advantages which Charles, by an extraordinary virtue and fortune, had purchased for his country, ended with his life. He left his son, Lewis the Gentle, in possession of the empire and kingdom of France, and his grandson Bernard king of Italy: but those two could not agree, and Bernard, falling into the hands of Lewis, was deprived of his eyes, and some time after killed. This was not enough to preserve the peace: Lothair, Lewis, and Pepin, all three sons to Lewis, rebelled against him; called a counsel at Lions, deposed him, and divided the empire amongst themselves. After five years he escaped from the monastery where he had been kept, renewed the war, and was again taken prisoner by Lothair. When he was dead, the war broke out more fiercely than ever between his children: Lothair the emperor assaulted Lewis king of Bavaria, and Charles king of Rhetia; was defeated by them, and confined to a monastery, where he died. New quarrels arose between the two brothers, upon the division of the countries taken from him, and Lorrain only was left to his son. Lewis died soon after, and Charles getting possession of the empire and kingdom, ended an inglorious reign in an unprosperous attempt to deprive Hermingrade, daughter to his brother Lewis, of the kingdom of Arles, and other places left to her by her father. Lewis his son, called the Stutterer, reigned two years in much trouble;

and his only legitimate son, Charles the Simple, came not to the crown till after the death of his two bastards, Lewis and Carloman, Charles le Gros, and Eudes duke of Anjou. Charles le Gros was deposed from the empire and kingdom, stripped of his goods, and left to perish through poverty in an obscure village. Charles the Simple, and the nations under him, thrived no better: Robert duke of Anjou raised war against him, and was crowned at Rheims; but was himself slain soon after in a bloody battle near Soissons. His son-in-law Hebert, earl of Vermandois, gathered up the remains of his scattered party, got Charles into his power, and called a general assembly of estates, who deposed him, and gave the crown to Raoul duke of Burgundy; though he was no otherwise related to the royal blood than by his mother, which in France is nothing at all. He being dead, Lewis, son to the deposed Charles, was made king; but his reign was as inglorious to him as miserable to his subjects. This is the peace which the French enjoyed for the space of five or six ages under their monarchy; and it is hard to determine whether they suffered most by the violence of those who possessed, or the ambition of others who aspired to the crown; and whether the fury of active, or the baseness of slothful princes was most pernicious to them: but upon the whole matter, through the defects of those of the latter sort, they lost all they had gained by sweat and blood under the conduct of the former. Henry and Otho of Saxony, by a virtue like that of Charlemagne, deprived them of the empire, and settled it in Germany, leaving France only

to Lewis, surnamed Outremer, and his son Lothair. These seemed to be equally composed of treachery, cruelty, ambition, and baseness; they were always mutinous, and always beaten; their frantic passions put them always upon unjust designs, and were such plagues to their subjects and neighbours, that they became equally detested and despised. These things extinguished the veneration due to the memory of Pepin and Charles; and obliged the whole nation rather to seek relief from a stranger, than to be ruined by their worthless descendants. They had tried all ways that were in their power; deposed four crowned kings within the space of an hundred and fifty years; crowned five who had no other title than the people conferred upon them; and restored the descendants of those they had rejected: but all was in vain: their vices were incorrigible, the mischiefs produced by them intolerable; they never ceased from murdering one another in battle, or by treachery, and bringing the nation into civil wars upon their wicked or foolish quarrels, till the whole race was rejected, and the crown placed upon the head of Hugh Capet. These mischiefs raged not in the same extremity under him, and his descendants; but the abatement proceeded from a cause no way advantageous to absolute monarchy. The French were by their calamities taught more strictly to limit the regal power; and by turning the dukedoms and earldoms into patrimonies, which had been offices, gave an authority to the chief of the nobility, by which that of kings was curbed; and though by this means the commonalty was exposed to some pressures, yet they

were small in comparison of what they had suffered in former times. When many great men had estates of their own, that did not depend upon the will of kings, they grew to love their country; and though they cheerfully served the crown in all cases of public concernment, they were not easily engaged in the personal quarrels of those who possessed it, or had a mind to gain it. To preserve themselves in this condition, they were obliged to use their vassals gently; and this continuing in some measure, till within the last fifty years, the monarchy was less tumultuous, than when the king's will had been less restrained. Nevertheless, they had not much reason to boast; there was a root still remaining, that from time to time produced poisonous fruit: civil wars were frequent among them, though not carried on with such desperate madness as formerly; and many of them upon the account of disputes between competitors for the crown. All the wars with England, since Edward the 2d married Isabella, daughter, and as he pretended, heir of Philip le Bel, were of this nature. The defeats of Crecy, Poitiers, and Agincourt, with the slaughters and devastations suffered from Edward the 3d, the black prince, and Henry the 5th, were merely upon contests for the crown, and for want of an interpreter of the law of succession, who might determine the question between the heir male, and the heir general. The factions of Orleans and Burgundy, Orleans and Armignac, proceeded from the same spring; and the murders that seem to have been the immediate causes of those quarrels, were only the effects of the hatred growing

from their competition. The more odious though less bloody contests between Lewis the 11th, and his father Charles the 7th, with the jealousy of the former against his son Charles the 8th, arose from the same principle. Charles of Bourbon prepared to fill France with fire and blood upon the like quarrel, when his designs were overthrown by his death in the assault of Rome. If the dukes of Guise had been more fortunate, they had soon turned the cause of religion into a claim to the crown, and repaired the injury done, as they pretended, to Pepin's race, by destroying that of Capet; and Henry the 3d, thinking to prevent this by the slaughter of Henry le Belafré and his brother, the cardinal de Guise, brought ruin upon himself, and cast the kingdom into a most horrid confusion. Our own age furnishes us with more than one attempt of the same kind attended with the like success. The duke of Orleans was several times in arms against Lewis the 13th his brother; the queen-mother drew the Spaniards to favour him; Montmorency perished in his quarrel; Fontrailles revived it by a treaty with Spain, which struck at the king's head as well as the cardinal's, and was suppressed by the death of Cinq Mars and De Thou. Those who understand the affairs of that kingdom, make no doubt that the count de Soissons would have set up for himself, and been followed by the best part of France, if he had not been killed in the pursuit of his victory at the battle of Sedan. Since that time the kingdom has suffered such disturbances as shew that more was intended than the removal of Mazarin: and the

Marechal de Turenne was often told, that the check he gave to the prince of Conde at Gien, after he had defeated Hocquincourt, had preserved the crown upon the king's head. And to testify the stability, good order, and domestic peace, that accompanies absolute monarchy, we have in our own days seen the house of Bourbon often divided within itself; the duke of Orleans, the count de Soissons, the princes of Condé and Conti, in war against the king; the dukes of Angoulesme, Vendome, Longueville, the count de Moret, and other bastards of the royal family, following their example; the houses of Guise, D'Elbeuf, Bouillon, Nemours, Rochefocault, and almost all the most eminent in France, with the parliaments of Paris, Bourdeaux, and some others, joining with them. I might alledge many more examples to shew, that this monarchy, as well as all others, has from the first establishment been full of blood and slaughter, through the violence of those who possessed the crown, and the ambition of such as aspired to it; and that the end of one civil war has been the beginning of another: but I presume, upon the whole, these will be thought sufficient to prove, that it never enjoyed any permanent domestic quiet.

The kingdoms of Spain have been no less disturbed by the same means; but especially that of Castile, where the kings had more power than in other places. To cite all the examples, were to transcribe their histories; but whoever has leisure to examine them will find, that after many troubles,

Alphonso the 2d, notwithstanding his glorious surname of Wise, was deposed by means of his ambitious son: Don Alonso, surnamed El Desheredado, supplanted by his uncle Don Sancho el Bravo: Peter the Cruel cast from the throne, and killed by his bastard brother the Conde de Trastamara. From the time of the above-named Alphonso to that of Ferdinand and Isabella, containing about two hundred years, so few of them passed without civil wars, that I hardly remember two together that were free from them: and whosoever pretends, that of late years that monarchy has been more quiet, must if he be ingenious, confess their peace is rather to be imputed to the dexterity of removing such persons as have been most likely to raise disturbances (of which number were Don John of Austria, Don Carlos, son to Philip the 2d, another of the same name, son to Philip the 3d, and Don Balthazar, son to Philip the 4th) than to the rectitude of their constitutions.

He that is not convinced of these truths by what has been said may come nearer home, and see what mischiefs were brought upon Scotland by the contests between Baliol and Bruce, with their consequences, till the crown came to the Stuart family;* the quiet reigns and happy deaths of the five James', together with the admirable stability and peace of the government under queen Mary, and the perfect union in which she lived with her husband,

* Buchan, de reb. Scot. Drummond. Melvil.

son, and people, as well as the happines of the nation, whilst it lasted.

But the miseries of England, upon the like occasions, surpass them all. William the Norman was no sooner dead, but the nation was rent in pieces by his son Robert, contesting with his younger sons William and Henry for the crown. They being all dead, and their sons, the like happened between Stephen and Maud: Henry the 2d was made king to terminate all disputes, but it proved a fruitless expedient. Such as were more scandalous, and not less dangerous, did soon arise between him and his sons; who, besides the evils brought upon the nation, vexed him to death by their rebellion. The reigns of John and Henry the 3d were yet more tempestuous. Edward the 2d's lewd, foolish, infamous, and detestable government, ended in his deposition and death, to which he was brought by his wife and son. Edward the 3d employed his own and his subjects' valour against the French and Scots; but whilst the foundations were out of order, the nation could never receive any advantage by their victories: all was calculated for the glory, and turned to the advantage, of one man. He being dead, all that the English held in Scotland, and in France, was lost through the baseness of his successor, with more blood than it had been gained; and the civil wars raised by his wickedness and madness ended as those of Edward the 2d had done. The peace of Henry the 4th's reign was interrupted by dangerous civil wars: and the victory obtained at Shrewsbury had not per-

haps secured him in the throne, if his death had not prevented new troubles. Henry the 5th acquired such reputation by his virtue and victories, that none dared to invade the crown during his life; but immediately after his death the storms prepared against his family broke out with the utmost violence. His son's weakness encouraged Richard duke of York to set up a new title, which produced such mischiefs as hardly any people ever suffered, unless upon the like occasion: for besides the slaughter of many thousands of the people, and especially of those who had been accustomed to arms, the devastation of the best parts of the kingdom, and the loss of all that our kings had inherited in France, or gained by the blood of their subjects, fourscore princes of the blood, as Philip de Commines calls them, died in battle, or under the hands of the hangman. Many of the most noble families were extinguished; others lost their most eminent men. Three kings and two presumptive heirs of the crown were murdered, and the nation brought to that shameful exigence, to set up a young man to reign over them, who had no better cover for his sordid extraction than a Welsh pedigree, that might shew how a tailor was descended from prince Arthur, Cadwallader, and Brutus. But the wounds of the nation were not to be healed with such a plaister. He could not rely upon a title made up of such stuff, and patched with a marriage to a princess of a very questionable birth. His own meanness inclined him to hate the nobility; and thinking it to be as easy for them to take the crown

from him, as to give it to him, he industriously applied himself to glean up the remainders of the house of York, from whence a competitor might arise, and by all means to crush those who were most able to oppose him. This exceedingly weakened the nobility, who held the balance between him and the commons, and was the first step towards the dissolution of our ancient government: but he was so far from settling the kingdom in peace, that such rascals as Perkin Warbeck and Simnel were able to disturb it. The reign of Henry the 8th was turbulent and bloody; that of Mary furious, and such as had brought us into subjection to the most powerful, proud, and cruel nation at that time in the world, if God had not wonderfully protected us. Nay, Edward the 6th, and queen Elizabeth, notwithstanding the natural excellency of their dispositions, and their knowledge of the truth in matters of religion, were forced by that which men call "jealousy of state," to foul their hands so often with illustrious blood, that if their reigns deserve to be accounted amongst the most gentle of monarchies, they were more heavy than the government of any commonwealth in time of peace; and yet their lives were never secure against such as conspired against them upon the account of title.

Having in some measure shewed what miseries have been usually, if not perpetually, brought upon nations subject to monarchies, by the violence of some princes, and the baseness, folly, and cowardice of others, together with what they have suffered in

contests for the several crowns, whilst men divided into divers factions strive with as much vehemency to advance the person they favour as if they or their country were interested in the quarrel, and fight as fiercely for a master as they might reasonably do to have none, I am not able to determine which of the two evils is the most mortal. It is evident the vices of princes result to the damage of the people; but whether pride and cruelty, or stupidity and sloth, be the worst, I cannot tell. All monarchies are subject to be afflicted with civil war; but whether the most frequent and bloody do arise from the quarrels of divers competitors for crowns, before any one gain the possession of them, or afterwards through the fears of him that would keep what he has gained, or the rage of those who would wrest it from him, is not so easily decided. But commonwealths are less troubled with those distempers. Women, children, or such as are notoriously foolish or mad, are never advanced to the supreme power. Whilst the laws, and that discipline which nourishes virtue, is in force, men of wisdom and valour are never wanting; and every man desires to give testimony of his virtue, when he knows it will be rewarded with honour and power. If unworthy persons creep into magistracies, or are by mistake any way preferred, their vices, for the most part, turn to their own hurt; and the state cannot easily receive any great damage by the incapacity of one who is not to continue in office above a year; and is usually encompassed with those who having borne, or are aspiring to the same, are by their virtue able to sup-

ply his defects; cannot hope for a reward from one unable to corrupt them, and are sure of the favour of the senate and people to support them in the defence of the public interest. As long as this good order continues, private quarrels are suppressed by the authority of the magistrate, or prove to be of little effect. Such as arise between the nobles and commons frequently produce good laws for the maintenance of liberty, as they did in Rome for above three hundred years after the expulsion of Tarquin; and almost ever terminate with little or no blood. Sometimes the errors of one or both parties are discovered by the discourse of a wise and good man; and those who have most violently opposed one another become the best friends, every one joining to remove the evil that causes the division. When the senate and people of Rome seemed to be most furiously incensed against each other, the creation of tribunes, communications of honours and marriages between the patrician and plebeian families, or the mitigation of usury, composed all; and these were not only harmless things, but such as gave opportunities of correcting the defects that had been in the first constitution of the government, without which they could never have attained to the greatness, glory, and happiness, they afterwards enjoyed. Such as had seen that people meeting in tumult, running through the city, crying out against the kings, consuls, senate, or decemviri, might have thought they would have filled all with blood and slaughter; but no such thing happened. They desired no more than to take away the kingdom which Tarquin had

wickedly usurped; and never went about so much as to punish one minister of the mischiefs he had done, or to take away his goods, till upon pretence of treating, his ambassadors by a new treachery had cast the city into greater danger than ever. Though the decemviri had by the like villanies equally provoked the people, they were used with the like gentleness:* Appius Claudius and Oppius, having by voluntary death subtracted themselves from public punishment, their colleagues were only banished, and the magistracies of the city reduced to the former order, without the effusion of more blood. They who contended for their just rights, were satisfied with the recovery of them; whereas such as follow the impulse of an unruly ambition never think themselves safe, till they have destroyed all that seem able to disturb them, and satiated their rage with the blood of their adversaries. This makes as well as shews the difference between the tumults of Rome, or the succession of the common people to Mount Aventine, and the battles of Townton, Teuxbury, Eveshal, Lewes, Hexham, Barnet, St. Albans, and Bosworth. It is in vain to say these ought rather to be compared to those of Pharsalia, Actium, or Philippi; for when the laws of a commonwealth are abolished, the name also ceases. Whatever is done by force or fraud to set up the interests and lust of one man in opposition to the laws of his country, is purely and absolutely monarchical. Whatsoever passed between Marius, Sylla, Cinna, Cataline, Cæ-

* T. Liv. l. iii.

sar, Pompey, Crassus, Augustus, Antonius, and Lepidus, is to be imputed to the contests that arise between competitors for monarchy, as well as those that in the next age happened between Galba, Otho, Vitellius, and Vespasian: or, which is worse, whereas those in commonwealths fight for themselves when there is occasion, and if they succeed enjoy the fruits of their victory, so as even those who remain of the vanquished party partake of the liberty thereby established, or the good laws thereupon made; such as followed the ensigns of these men, who sought to set up themselves, did rather like beasts than men hazard and suffer many unspeakable evils to purchase misery to themselves and their posterity, and to make him their master, who increasing in pride, avarice, and cruelty, was to be thrown down again with as much blood as he had been set up.

These things, if I mistake not, being in the last degree evident, I may leave to our author all the advantages he can gain by his rhetorical description of the tumults of Rome, "when blood was in the market-place suckt up with sponges, and the jakes stuffed with carcases;" to which he may add the crimes of Sylla's life, and the miseries of his death: but withall I desire to know what number of sponges were sufficient to suck up the blood of five hundred thousand men slain in one day, when the house of David and Jeroboam contended for the crown of Israel, or of four hundred thousand who fell in one battle, between Joash and Amaziah, on

the same occasion; what jakes were capacious enough to contain the carcases of those that perished in the quarrels between the successors of Alexander; the several competitors for the Roman empire; or those which have happened in France, Spain, England, and other places upon the like occasions? If Sylla for some time acted as an absolute monarch, it is no wonder that he died like one, or that God punished him as Herod, Philip the 2nd of Spain, and some others, because the hand of his fellow citizens had unjustly spared him. If, when he was become detestable to God and man, he became also miserable, his example ought to deter others from the crimes that are avenged by a power which none can escape, and to encourage those who defend or endeavour to recover their violated liberties, to act vigorously in a cause that God does evidently patronize.

SECTION XXV.

COURTS ARE MORE SUBJECT TO VENALITY AND CORRUPTION THAN POPULAR GOVERNMENTS.

THOUGH court-flatterers impute many evils to popular governments they no way deserve, I could not think any so impudent as to lay corruption and venality to their charge, till I found it in our author.

They might in my opinion have taken those faults upon themselves, since they certainly abound most where bawds, whores, buffoons, players, slaves, and other base people, who are naturally mercenary, are most prevalent. And whosoever would know whether this does more frequently befall commonwealths than monarchies, especially if they are absolute, need only to inquire, whether the Cornelii, Junii, Fabii, Valerii, Quintii, Curii, Fabritii, and others, who most prevailed in Rome after the expulsion of the kings, or Sejanus, Macro, Narcissus, Pallas, Icetus, Tigellinus, Vinnius, Laco, Agrippina, Messalina, Lollia, Poppæa, and the like, were most subject to those base vices: whether it were more easy to corrupt one or two of those villains and strumpets, or the senates and people of Rome, Carthage, Athens, and Sparta; and whether that sort of rabble had more power over the princes they served, than such as most resembled them had whilst the popular government continued. It is in vain to say those princes were wicked and vile, for many others are so likewise; and when the power is in the hands of one man, there can be no assurance he will not be like them. Nay, when the power is so placed, ill men will always find opportunities of compassing their desires: "*Bonus cautus, optimus imperator venditur*," said Dioclesian; and though he was no unwise man, yet that which principally induced him to renounce the empire, was the impossibility he found of defending himself against those that were in credit with him, who daily betrayed and sold him. They see with the eyes of other men, and cannot

resist the frauds that are perpetually put upon them. Antoninus Pius and Marcus Aurelius seem to have been the best and wisest of all the Roman emperors; but the two Faustina's had such an ascendant over them, as was most shameful to their persons and mischievous to the empire and the best men in it. Such as these may gain too much upon the affections of one man in the best regulated government; but that could be of no great danger to the public, when many others, equal or not much inferior to him in authority, are ready to oppose whatever he should endeavour to promote by their impulse: but there is no remedy, when all depends upon the will of a single person who is governed by them. There was more of acuteness and jest, than of truth, in that saying of Themistocles, "That his little boy had more power than any man in Greece; for he governed his mother, she him, he Athens, and Athens Greece." For he himself was found to have little power, when for private passions and concernments he departed from the interest of the public; and the like has been found in all places that have been governed in the like manner.

Again, corruption will always reign most, where those who have the power do most, favour it; where the rewards of such crimes are greatest, easiest, and most valued; and where the punishment of them is least feared.

1. For the first, we have already proved, that liberty cannot be preserved, if the manners of the peo-

ple are corrupted, nor absolute monarchy introduced where they are sincere; which is sufficient to shew, that those who manage free governments ought always, to the utmost of their power, to oppose corruption, because otherwise both they and their government must inevitably perish; and that on the other hand, the absolute monarch must endeavour to introduce it, because he cannot subsist without it. It is also so natural for all such monarchs to place men in power who pretend to love their persons, and will depend upon their pleasure, that possibly it would be hard to find one in the world who has not made it the rule of his government: and this is not only the way to corruption, but the most dangerous of all. For though a good man may love a good monarch, he will obey him only when he commands that which is just; and no one can engage himself blindly to do whatever he is commanded, without renouncing all virtue and religion; because he knows not whether that which shall be commanded, is consistent with either, or directly contrary to the laws of God and man. But if such a monarch be evil, and his actions such as they are too often found to be, whoever bears an affection to him, and seconds his designs, declares himself an enemy to all that is good; and the advancement of such men to power does not only introduce, foment, and increase corruption, but fortifies it in such a manner, that without an entire renovation of that state it cannot be removed. Ill men may possibly creep into any government; but when the worst are placed nearest to the throne, and raised to honours for being so, they will with that force en-

deavour to draw all men to a conformity of spirit with themselves, that it can no otherwise be prevented, than by destroying them, and the principle in which they live.

2. To the second; a man naturally follows that which is good, or seems to him to be so. Hence it is, that in well-governed states, where a value is put upon virtue, and no one honoured, unless for such qualities as are beneficial to the public, men are from the tenderest years brought up in a belief, that nothing in this world deserves to be sought after, but such honours as are acquired by virtuous actions: by this means virtue itself becomes popular, as in Sparta, Rome, and other places, where riches (which, with the vanity that follows them, and the honours men give to them, are the root of all evil) were either totally banished, or little regarded. When no other advantage attended the greatest riches than the opportunity of living more sumptuously or deliciously, men of great spirits slighted them. When Aristippus told Cleanthes, that if he would go to court, and flatter the tyrant, he need not seek his supper under a hedge; the philosopher answered, that he who could content himself with such a supper, need not go to court or flatter the tyrant. Epaminondas, Aristides, Phocion, and even the Lacedemonian kings, found no inconvenience in poverty, whilst their virtue was honoured, and the richest princes in the world feared their valour and power. It was not difficult for Curius, Fabricius, Quintius Cincinnatus, or Paulus Emilius, to content themselves with the

narrowest fortune, when it was no obstacle to them in the pursuit of those honours which their virtues deserved. It was in vain to think of bribing a man who supped upon the coleworts of his own garden. He could not be gained by gold, who did not think it necessary. He that could rise from the plough to the triumphal chariot, and contentedly return thither again, could not be corrupted; and he that left the sense of his poverty to his executors, who found not wherewith to bury him, might leave Macedon and Greece to the pillage of his soldiers, without taking to himself any part of the booty. But when luxury was brought into fashion, and they came to be honoured who lived magnificently, though they had in themselves no qualities to distinguish them from the basest of slaves, the most virtuous men were exposed to scorn if they were poor: and that poverty which had been the mother and nurse of their virtue, grew insupportable. The poet well understood what effect this change had upon the world, who said,

"Nullum crimen abest, facinusque libidinis, ex quo
"Paupertas Romana perit."

JUVEN. Sat. vi. 293.

When riches grew to be necessary, the desire of them, which is the spring of all mischief, followed. They who could not obtain honours by the noblest actions, were obliged to get wealth to purchase them from whores and villains, who exposed them to sale: and when they were once entered into this track, they soon learnt the vices of those from whom they had received their preferment, and to delight in the

ways that had brought them to it. When they were come to this, nothing could stop them; all thought and remembrance of good was extinguished. They who had bought the commands of armies or provinces from Icetus or Narcissus, sought only how to draw money from them, to enable them to purchase higher dignities, or gain a more assured protection from those patrons. This brought the government of the world under a most infamous traffic, and the treasures arising from it were, for the most part, dissipated by worse vices than the rapine, violence, and fraud, with which they had been gotten. The authors of those crimes had nothing left but their crimes, and the necessity of committing more through the indigence into which they were plunged by the extravagance of their expences. These things are inseparable from the life of a courtier; for as servile natures are guided rather by sense than reason, such as addict themselves to the service of courts, find no other consolation in their misery, than what they receive from sensual pleasures, or such vanities as they put a value upon; and have no other care than to get money for their supply by begging, stealing, bribing, and other infamous practices. Their offices are more or less esteemed according to the opportunities they afford for the exercise of these virtues; and no man seeks them for any other end than for gain, nor takes any other way than that which conduces to it. The usual means of attaining them are, by observing the prince's humour, flattering his vices, serving him in his pleasures, fomenting his passions, and by advancing his worst designs, to create an opinion in

him, that they love his person, and are entirely addicted to his will. When valour, industry, and wisdom, advanced men to offices, it was no easy matter for a man to persuade the senate he had such qualities as were required, if he had them not: but when princes seek only such as love them, and will do what they command, it is easy to impose upon them; and because none that are good will obey them when they command that which is not so, they are always encompassed by the worst. Those who follow them only for reward, are most liberal in professing affection to them, and by that means rise to places of authority and power. The fountain being thus corrupted, nothing that is pure can come from it. These mercenary wretches having the management of affairs, justice and honours are set at a price, and the most lucrative traffic in the world is thereby established. *Eutropius, when he was a slave, used to pick pockets and locks; but, being made a minister, he sold cities, armies, and provinces: and some have undertaken to give probable reasons to believe, that Pallas, one of Claudius' manumised slaves, by these means brought together more wealth in six years, than all the Roman dictators and consuls had done from the expulsion of the kings to their passage into Asia. The rest walked in the same way, used the same arts, and many of them succeeded in the same manner. Their riches consisted not of spoils taken from enemies, but were the base product

* .....Nunc uberiore rapina
Peccat in orbe manus. CLAUD.

of their own corruption. They valued nothing but money; and those who would bribe them, were sure to be advanced to the highest offices; and whatever they did, feared no punishment. Like effects will ever proceed from the like causes. When vanity, luxury, and prodigality are in fashion, the desire of riches must necessarily increase in proportion to them: and when the power is in the hands of base, mercenary persons, they will always (to use the courtier's phrase) make as much profit of their places as they can. Not only matters of favour, but of justice too, will be exposed to sale; and no way will be open to honours or magistracies, but by paying largely for them. He that gets an office by these means, will not execute it gratis: he thinks he may sell what he has bought; and would not have entered by corrupt ways, if he had not intended to deal corruptly. Nay, if a well-meaning man should suffer himself to be so far carried away by the stream of a prevailing custom, as to purchase honours of such villains, he would be obliged to continue in the same course, that he might gain riches to procure the continuance of his benefactor's protection, or to obtain the favour of such as happen to succeed them: and the corruption thus beginning in the head, must necessarily diffuse itself into all the members of the commonwealth: or, if any one (which is not to be expected) after having been guilty of one villany, should resolve to commit no more, it could have no other effect than to bring him to ruin; and he being taken away, all things would return to their former channel.

Besides this, whosoever desires to advance himself, must use such means as are suitable to the time in which he lives, and the humour of the persons with whom he is to deal. It had been as absurd for any man void of merit to set himself up against Junius Brutus, Cincinnatus, Papirius Cursor, Camillus, Fabius Maximus, or Scipio; and, by bribing the senate and people of Rome, think to be chosen captain against the Tarquins, Tuscans, Latins, Samnites, Gauls, or Carthaginians; as for the most virtuous men by the most certain proofs of their wisdom, experience, integrity, and valour, to expect advancement from Caligula, Claudius, and Nero, or the lewd wretches that governed them. They hated and feared all those that excelled in virtue; and, setting themselves to destroy the best for being the best, they placed the strength of the government in the hands of the worst, which produced the effects beforementioned. This seems to have been so well known, that no man pretended to be great at court, but those who had cast off all thoughts of honour and common honesty. "*Revertar, cum leno, meretrix, scurra, cinædus ero,*" said one who saw what manners prevailed there; and wheresoever they do prevail, such as will rise, must render themselves conformable in all corruption and venality. And it may be observed, that a noble person now living amongst us, who is a great enemy to bribery, was turned out from a considerable office, as a scandal to the court; for, said the principal minister, he will make no profit of his place, and by that means casts a scandal upon those that do.

If any man say, this is not generally the fate of all courts, I confess it; and that, if the prince be just, virtuous, wise, of great spirit, and not pretending to be absolute, he may chuse such men as are not mercenary, or take such a course as may render it hard for them to deserve bribes, or to preserve themselves from punishment, if they should deflect from his intention. And a prince of this age, speaking familiarly with some great men about him, said, he had heard much of vast gains made by those who were near to princes; and asked if they made the like? One of them answered, that they were as willing as others to get something, but that no man would give them a farthing; for, every one finding a free admittance to his majesty, no man needed a solicitor. And it was no less known, that he did of himself grant those things that were just, than that none of them had so much credit as to promote such as were not so. I will not say such a king is a phenix: perhaps more than one may be found in an age; but they are certainly rare; and, all that is good in their government proceeding from the excellency of their personal virtues, it must fail, when that virtue fails, which was the root of it. Experience shews how little we can rely upon such a help; for, where crowns are hereditary, children seldom prove like to their fathers; and such as are elective have also their defects. Many seem to be modest and innocent in private fortunes, who prove corrupt and vicious, when they are raised to power. The violence, spite, and malice of Saul was never discovered, till the people

had placed him in the throne. But where the government is absolute, or the prince endeavours to make it so, this integrity can never be found: he will always seek such as are content to depend upon his will; which being always unruly, good men will never comply; ill men will be paid for it, and that opens a gap to all manner of corruption. Something like to this may befall regular monarchies, or popular governments. They who are placed in the principal offices of trust may be treacherous; and when they are so, they will always by these means seek to gain partizans and dependants upon themselves. Their designs being corrupt, they must be carried on by corruption; but such as would support monarchy in its regularity, or popular governments, must oppose it, or be destroyed by it. And nothing can better manifest how far absolute monarchies are more subject to this venality and corruption than the regular and popular governments, than that they are rooted in the principle of the one, which cannot subsist without them; and are so contrary to the others, that they must certainly perish, unless they defend themselves from them.

If any man be so far of another opinion, as to believe, that Brutus, Camillus, Scipio, Fabius, Hannibal, Pericles, Aristides, Agesilaus, Epaminondas, or Pelopidas, were as easily corrupted as Sejanus, Tigellinus, Vinnius, or Laco; that the senate and people of Rome, Carthage, Athens, Sparta, or Thebes, were to be bought at as easy rates as one profligate villain, a slave, an eunuch, or a whore; or

though it was not in former ages, yet it is so now; he may be pleased to consider by what means men now rise to places of judicature, church preferment, or any offices of trust, honour, or profit, under those monarchies which we know, that either are or would be absolute. Let him examine how all the offices of justice are now disposed of in France; how Mazarin came to be advanced; what traffic he made of abbies and bishoprics, and what treasures he gained by that means; whether the like has not continued since his death, and as a laudable example been transmitted to us since his majesty's happy restoration; whether bawds, whores, thieves, buffoons, parasites, and such vile wretches as are naturally mercenary, have not more power at Whitehall, Versailles, the Vatican, and the Escurial, than in Venice, Amsterdam, and Switzerland: whether Hide, Arlington, Danby, their graces of Cleveland and Portsmouth, Sunderland, Jenkins, or Chiffinch, could probably have attained such power as they have had amongst us, if it had been disposed of by the suffrages of the parliament and people; or lastly, whether such as know only how to work upon the personal vices of a man, have more influence upon one who happens to be born in a reigning family, or upon a senate consisting of men chosen for their virtues and quality, or the whole body of a nation.

But if he who possesses or affects an absolute power, be by his interest led to introduce that corruption, which the people, senate, and magistrates, who uphold popular governments, abhor, as that

which threatens them with destruction; if the example, arts, and means used by him and his dependants, be of wonderful efficacy towards the introduction of it; if nothing but an admirable virtue, which can hardly be in one that enjoys or desires such a power, can divert him from that design; and if such virtue never did, nor probably ever will, continue long in any one family; we cannot rationally believe there ever was a race of men invested with, or possessing such a power, or that there ever will be any who have not, and will not endeavour to introduce that corruption, which is so necessary to the defence of their persons, and most important concernments, and certainly accomplish their great design, unless they are opposed or removed.

SECTION XXVI.

CIVIL TUMULTS AND WARS ARE NOT THE GREATEST EVILS THAT BEFALL NATIONS.

"But skin for skin," says our author, "and all that a man hath, will he give for his life." And since it was necessary to grace his book with some scripture phrases, none could be fitter for that purpose than those that were spoken by the devil: but they will be of little use to him; for though I should so far recede from truth as to avow those words to

be true, I might safely deny the conclusions he draws from them, "That those are the worst governments, under which most men are slain; or that more are slain in popular governments, than in absolute monarchies." For, having proved that all the wars and tumults that have happened in commonwealths, have never produced such slaughters as were brought upon the empires of Macedon and Rome, or the kingdoms of Israel, Judah, France, Spain, Scotland, or England, by contests between several competitors for those crowns; if tumult, war, and slaughter, be the point in question, those are the worst of all governments, where they have been most frequent and cruel. But though these are terrible scourges, I deny that government to be simply the worst, that has the most of them. It is ill, that men should kill one another in seditions, tumults, and wars; but it is worse, to bring nations to such misery, weakness, and baseness, as to have neither strength nor courage to contend for any thing; to have left nothing worth defending, and to give the name of peace to desolation. I take Greece to have been happy and glorious, when it was full of populous cities, flourishing in all the arts that deserve praise among men; when they were courted and feared by the greatest kings, and never assaulted by any but to his own loss and confusion; when Babylon and Susa trembled at the motion of their arms; and their valour, exercised in those wars and tumults which our author looks upon as the greatest evils, was raised to such a power, that nothing upon earth was found able to resist them: and I think it now miserable, when

peace reigns within their empty walls, and the poor remains of those exhausted nations, sheltering themselves under the ruins of the desolated cities, have neither any thing that deserves to be disputed amongst them, nor spirit or force to repel the injuries they daily suffer from a proud and insupportable master.

The like may be said of Italy: whilst it was inhabited by nations governing themselves by their own will, they fell sometimes into domestic seditions, and had frequent wars with their neighbours. When they were free, they loved their country, and were always ready to fight in its defence. Such as succeeded well, increased in vigour and power; and even those that were the most unfortunate in one age, found means to repair their greatest losses, if their government continued. Whilst they had a propriety in their goods, they would not suffer the country to be invaded, since they knew they could have none, if it were lost. This gave occasion to wars and tumults; but it sharpened their courage, kept up a good discipline, and the nations that were most exercised by them, always increased in power and number; so that no country seems ever to have been of greater strength than Italy was when Hannibal invaded it: and after his defeat, the rest of the world was not able to resist their valour and power. They sometimes killed one another; but their enemies never got any thing but burying-places within their territories. All things are now brought into a very different method by the blessed governments they are under. The fatherly care of the king of

Spain, the Pope, and other princes, has established peace amonst them. We have not in many ages heard of any sedition among the Latins, Sabines, Volsci, Equi, Samnites, or others. The thin, half-starved inhabitants of walls supported by ivy, fear neither popular tumults, nor foreign alarms; and their sleep is only interrupted by hunger, the cries of their children, or the howling of wolves. Instead of many turbulent, contentious cities, they have a few scattered, silent cottages; and the fierceness of those nations is so tempered, that every rascally collector of taxes extorts without fear from every man, that which should be the nourishment of his family. And if any of those countries are free from that pernicious vermin, it is through the extremity of their poverty. Even in Rome a man may be circumvented by the fraud of a priest, or poisoned by one who would have his estate, wife, whore, or child; but nothing is done that looks like tumult or violence. The governors do as little fear Gracchus as Hannibal; and instead of wearying their subjects in wars, they only seek, by perverted laws, corrupt judges, false witnesses, and vexatious suits, to cheat them of their money and inheritance.

This is the best part of their condition. Where these arts are used, there are men, and they have something to lose; but for the most part the lands lie waste, and they who were formerly troubled with the disorders incident to popular cities, now enjoy the quiet and peaceable estate of a wilderness.

Again, there is a way of killing, worse than that of the sword: for, as Tertullian says upon a different occasion, "*Prohibere nasci est occidere;*" those governments are in the highest degree guilty of blood, which, by taking from men the means of living, bring some to perish through want, drive others out of the country, and generally dissuade men from marriage, by taking from them all ways of subsisting their families. Notwithstanding all the seditions of Florence, and other cities of Tuscany, the horrid factions of Guelphs and Ghibelins, Neri and Bianchi, nobles and commons, they continued populous, strong, and exceeding rich; but in the space of less than a hundred and fifty years, the peaceable reign of the Medici's is thought to have destroyed nine parts in ten of the people of that province. Amongst other things it is remarkable, that when Philip the Second, of Spain, gave Sienna to the duke of Florence, his ambassador then at Rome sent him word, that he had given away more than six hundred and fifty thousand subjects; and it is not believed there are now twenty thousand souls inhabiting that city and territory. Pisa, Pistoia, Arezzo, Cortona, and other towns, that were then good and populous, are in the like proportion diminished; and Florence more than any. When that city had been long troubled with seditions, tumults, and wars, for the most part unprosperous, they still retained such strength, that when Charles the Eighth, of France,* being admitted as a friend ,with his whole army, which soon after con-

* Guicciard.

quered the kingdom of Naples, thought to master them, the people taking up arms, struck such a terror into him, that he was glad to depart upon such conditions as they thought fit to impose. Machiavel reports, that in that time Florence alone, with the Val d'Arno, a small territory belonging to that city, could in a few hours, by the sound of a bell, bring together a hundred and fifty thousand well armed men; whereas now that city, with all the others in that province, are brought to such despicable weakness, emptiness, poverty, and baseness, that they can neither resist the oppressions of their own prince, nor defend him or themselves, if they were assaulted by a foreign enemy. The people are dispersed or destroyed, and the best families sent to seek habitations in Venice, Genoa, Rome, Naples, and Lucca. This is not the effect of war or pestilence; they enjoy a perfect peace, and suffer no other plague than the government they are under. But he who has thus cured them of disorders and tumults, does, in my opinion, deserve no greater praise than a physician, who should boast there was not a sick person in a house committed to his care, when he had poisoned all that were in it.

The Spaniards have established the like peace in the kingdoms of Naples and Sicily, the West Indies, and other places. The Turks by the same means prevent tumults in their dominions. And they are of such efficacy in all places, that Mario Chigi, brother to Pope Alexander the 7th, by one sordid cheat upon the sale of corn, is said within eight years to have

destroyed above a third part of the people in the ecclesiastical state; and that country, which was the strength of the Romans in the time of the Carthaginian wars, suffered more by the covetousness and fraud of that villain, than by all the defeats received from Hannibal.

It were an endless work to mention all the places where this peaceable solitude has been introduced by absolute monarchy; but popular and regular governments have always applied themselves to increase the number, strength, power, riches, and courage of their people, by providing comfortable ways of subsistence for their own citizens, inviting strangers, and filling them all with such a love to their country, that every man might look upon the public cause as his own, and be always ready to defend it. This may sometimes give occasion to tumults and wars, as the most vigorous bodies may fall into distempers: when every one is solicitous for the public, there may be difference of opinion, and some, by mistaking the way, may bring prejudice when they intend profit: but unless a tyrant do arise, and destroy the government, which is the root of their felicity; or they be overwhelmed by the irresistible power of a virtue or fortune greater than their own, they soon recover, and, for the most part, rise up in greater glory and prosperity than before. This was seen in the commonwealths of Greece and Italy, which for this reason were justly called nurseries of virtue, and their magistrates preservers of men; whereas our author's

peace-making monarchs can deserve no better title than that of enemies and destroyers of mankind.

I cannot think him in earnest, when he exaggerates Sylla's cruelties as a proof, that the mischiefs suffered under free states, are more universal, than under kings and tyrants: for there never was a tyrant in the world, if he was not one, though through weariness, infirmity of body, fear, or perhaps the horror of his own wickedness, he at length resigned his power: but the evil had taken root so deep, that it could not be removed: there was nothing of liberty remaining in Rome: the laws were overthrown by the violence of the sword: the remaining contest was, who should be lord; and there is no reason to believe, that if Pompey had gained the battle of Pharsalia, he would have made a more modest use of his victory than Cæsar did; or that Rome would have been more happy under him than under the other. His cause was more plausible because the senate followed him, and Cæsar was the invader; but he was no better in his person, and his designs seem to have been the same. He had been long before "*suarum legum auctor & eversor.*" He gave the beginning to the first triumvirate; and it were folly to think, that he who had been insolent when he was not come to the highest pitch of fortune, would have proved moderate if success had put all into his hands. The proceedings of Marius, Cinna, Cataline, Octavius, and Antonius, were all of the same nature. No laws were observed; no public good intended; the ambition of private persons reigned; and whatsoever

was done by them, or for their interests, can no more be applied to popular, aristocratical, or mixed government, than the furies of Caligula and Nero.

SECTION XXVII.

THE MISCHIEFS AND CRUELTIES PROCEEDING FROM TYRANNY, ARE GREATER THAN ANY THAT COME FROM POPULAR OR MIXED GOVERNMENTS.

It is now time to examine the reasons of our author's general maxims. "The cruelties," says he, "of a tyrant extend ordinarily no farther than some particular men that offend him, and not to the whole kingdom. It is truly said of his late majesty king James, a king can never be so notoriously vicious but he will generally favour justice, and maintain some order. Even cruel Domitian, Dionysius the tyrant, and many others, are commended in histories as great observers of justice, except in particular cases, wherein his inordinate lusts may carry him away." This may be said of popular governments; for though a people through error do sometimes hurt a private person, and that may possibly result to the public damage, because the man that is offended or destroyed might have been useful to the society, they never do it otherwise than by error; for, having the government in themselves, whatever

is prejudicial to it, is so to them, and if they ruin it, they ruin themselves, which no man ever did willingly and knowingly. In absolute monarchies the matter is quite otherwise. A prince that sets up an interest in himself becomes an enemy to the public: in following his own lusts he offends all, except a few of his corrupt creatures, by whose help he oppresses others with a yoke they are unwilling to bear, and thereby incurs the universal hatred. This hatred is always proportionable to the injuries received, which being extreme, that must be so too; and every people being powerful in comparison to the prince that governs, he will always fear those that hate him, and always hate those he fears. When Luigi Farnese, first duke of Parma, had by his tyranny incensed the people of that small city, their hatred was not less mortal to him than that of the whole empire had been to Nero; and as the one burned Rome, the other would have destroyed Parma, if he had not been prevented. The like has been, and will be every where, inasmuch as every man endeavours to destroy those he hates and fears; and the greatness of the danger often drives this* fear to rage and madness. For this reason Caligula wished but one neck to all the people; and Nero triumphed over the burning city, thinking by that ruin he had prevented his own danger. I know not who the good authors are that commend Domitian for his justice; but Tacitus calls him "*principem, virtutibus infestum*;"† and it is hard to find out how

* Cuncta ferit, dum cuncta timet. LUCAN.

† Tacit. in vit. Agric.

such a man can be an observer of justice unless it be just, that whoever dares to be virtuous under a vicious and base prince should be destroyed. Another author* of the same time, speaking of him, does not say he was unjust, but gives us reason to think he was so, unless it were just for him, who had a power over the best part of the world, to destroy it; and that he, who by his cruelty had brought it to the last gasp, would have finished the work, if his rage had not been extinguished.

Many princes not having in themselves power to destroy their people, have stirred up foreign nations against them, and placed the only hopes of their safety in the public calamity; and lawful kings, when they have fallen into the first degree of madness, so as to assume a power above that which was allowed by the law, have in fury proved equal to the worst usurpers. Cleonymus of Sparta was of this sort: he became, says Plutarch,† an enemy to the city, because they would not allow him the absolute power he affected; and brought Pyrrhus, the fiercest of their enemies, with a mighty and excellently well disciplined army, to destroy them. Vortigern‡ the Briton called in the Saxons with the ruin of his own people, who were incensed against him for his lewdness, cruelty, and baseness. King John, for the like reasons, offered the kingdom of England to the Moors, and to the Pope. Peter the Cruel, and other

* Cum jam semianimem laceraret Favius orbem
Tertius, & calvo serviret Roma tyranno. JUVENAL.

† Plut. vit. Pyrr. ‡ Math. West.

kings of Castille, brought vast armies of Moors into Spain, to the ruin of their own people, who detested their vices, and would not part with their privileges. Many other examples of the like nature might be alledged; and I wish our own experience did not too well prove that such designs are common. Let him that doubts this, examine the causes of the wars with Scotland in the years 1639, 1640; the slaughters of the protestants in Ireland 1641; the whole course of alliances and treaties for the space of four-score years; the friendship contracted with the French; frequent quarrels with the Dutch; together with other circumstances that are already made too public: if he be not convinced by this, he may soon see a man in the throne, who had rather be a tributary to France than a lawful king of England, whilst either Parliament or people shall dare to dispute his commands, insist upon their own rights, or defend a religion inconsistent with that which he has espoused; and then the truth will be so evident as to require no proof.

Grotius was never accused of dealing hardly with kings, or laying too much weight upon imaginary cases; nevertheless, amongst other reasons, that, in his opinion, justify subjects in taking arms against their princes, he alledges this, "*propter immanem sævitiam*,"* and *quando rex in populi exitium fertur*;" insomuch as it is "contrary to, and inconsistent with, the ends for which governments are instituted;" which were most impertinent, if no such

* De jure belli.

thing could be: for that which is not, can have no effect. There are therefore princes who seek the destruction of their people, or none could be justly opposed on that account.

If king James was of another opinion, I could wish the course of his government had been suited to it. When he said, that whilst he had the power of making judges and bishops, he would make that to be law and gospel which best pleased him, and filled those places with such as turned both according to his will and interests, I must think, that by overthrowing justice, which is the rule of civil and moral actions, and perverting the gospel, which is the light of the spiritual man, he left nothing unattempted that he durst attempt, by which he might bring the most extensive and universal evils upon our nation that any can suffer. This would stand good, though princes never erred, unless they were "transported with some inordinate lusts;" for it is hard to find one that does not live in the perpetual power of them. They are naturally subject to the impulse of such appetites as well as others, and whatever evil reigns in their nature is fomented by education. It is the handle by which their flatterers lead them; and he that discovers to what vice a prince is most inclined, is sure to govern him by rendering himself subservient. In this consists the chief art of a courtier, and by this means it comes to pass, that such lusts as in private men are curbed by fear, do not only rage as in a wild beast, but are perpetually inflamed by the malice of their own servants: their hatred to

the laws of God or men, that might restrain them, increases in proportion with their vices, or their fears of being punished for them. And when they are come to this, they can set no limits to their fury, and there is no extravagance into which they do not frequently fall. But many of them do not expect these violent motives: the perversity of their own nature carries them to the extremities of evil. They hate virtue for its own sake, and virtuous men for being most unlike to themselves. Virtue is the dictate of reason, or the remains of divine light, by which men are made beneficent and benificial to each other. Religion proceeds from the same spring; and tends to the same end; and the good of mankind so intirely depends upon these two, that no people ever enjoyed any thing worth desiring that was not the product of them; and whatsoever any have suffered that deserves to be abhorred and feared, has proceeded either from the defect of these, or the wrath of God against them. If any prince therefore has been an enemy to virtue and religion, he must also have been an enemy to mankind, and most especially to the people under him. Whatsoever he does against those that excel in virtue and religion, tends to the destruction of the people who subsist by them. I will not take upon me to define who they are, or to tell the number of those that do this: but it is certain there have been such; and I wish I could say they were few in number, or that they had lived in past ages. Tacitus does not fix this upon one prince, but upon all that he writes of; and to give

his readers a taste of what he was to write, he says, "that nobility and honours were dangerous, but that virtue brought most certain destruction;" and in another place, that "after the slaughter of many excellent men, Nero resolved to cut down virtue itself, and therefore killed Thraseas Pætus, and Bareas Soranus."* And whosoever examines the christian or ecclesiastical histories, will find those princes to have been no less enemies to virtue and religion than their predecessors, and consequently enemies to the nations under them, unless religion and virtue be things prejudicial or indifferent to mankind.

But our author may say, these were particular cases; and so was the slaughter of the prophets and apostles, the crucifixion of Christ, and all the villainies that have ever been committed; yet they proceeded from a universal principle of hatred to all that is good, exerting itself, as far as it could, to the ruin of mankind: and nothing but the over-ruling power of God, who resolved to preserve to himself a people, could set bounds to their rage, which in other respects had as full success as our author, or the devil could have wished.

Dionysius (his other example of justice) deserves observation: more falsehood, lewdness, treachery, ingratitude, cruelty, baseness, avarice, imprudence, and hatred to all manner of good, was hardly ever

* C. Tacit. hist. l. i. Ann. l. xvi. 21.

known in a mortal creature. For this reason, Diogenes seeing him at Corinth, though in a poor and contemptible condition, said, he rather deserved to have continued in the misery, fears, and villanies, of his tyranny, than to be suffered peaceably to converse with honest men. And if such as these are to be called observers of justice, it must be concluded, that the laws of God, and of men, are either of no value, or contrary to it; and that the destruction of nations is a better work than their preservation. No faith is to be observed: temples may be justly sacked; the best men slain for daring to be better than their masters; and the whole world, if it were in the power of one man, rightly torn in pieces and destroyed.

His reasons for this are as good as his doctrine: "It is," saith he, "the multitude of people, and abundance of riches, that are the glory and strength of every prince: the bodies of his subjects do him service in war, and their goods supply his wants. Therefore if not out of affection to his people, yet out of natural love to himself, every tyrant desires to preserve the lives and goods of his subjects." I should have thought that princes, though tyrants, being God's vicegerents, and fathers of their people, would have sought their good though no advantage had thereby redounded to themselves; but it seems no such thing is to be expected from them. They consider nations, as graziers do their herds and flocks, according to the profit that can be made of them: and if this be so, a people has no more security un-

der a prince, than a herd or flock under their master. Though he desire to be a good husband, yet they must be delivered up to the slaughter when he finds a good market, or a better way of improving his land; but they are often foolish, riotous, prodigal, and wantonly destroy their stock, though to their own prejudice. We thought that all princes and magistrates had been set up, that under them we might live quietly and peaceably, in all godliness and honesty: but our author teaches us, that they only seek what they can make of our bodies and goods, and that they do not live and reign for us, but for themselves. If this be true, they look upon us not as children, but as beasts, nor do us any good for our own sakes, or because it is their duty, but only that we may be useful to them; as oxen are put into plentiful pastures that they may be strong for labour, or fit for slaughter. This is the divine model of government that he offers to the world. The just magistrate is the minister of God for our good: but this absolute monarch has no other care for us, than as our riches and multitude may increase his own glory and strength. We might easily judge what would be the issue of such a principle, when the being of nations depending upon his will must also depend upon his opinion, whether the strength, multitude, and riches, of a people do conduce to the increase of glory and power, or not, though histories were silent in the case; for these things speak of themselves. The judgment of a single man is not to be relied upon; the best and wisest do often err, the foolish and perverse always; and our discourse is not of

what Moses or Samuel would do, but what may come into the fancy of a furious or wicked man who may usurp the supreme power, or a child, a woman, or fool, that may inherit it. Besides, the proposition upon which he builds his conclusion, proves often false: for as the riches, power, number, and courage, of our friends, is for our advantage, and that of our enemies threatens us with ruin; those princes only can reasonably believe the strength of their subjects beneficial to them, who govern so as to be assured of their affection, and that their strength will be employed against them; but those who know they are, or deserve to be hated, cannot but think it will be employed against them, and always seek to diminish that which creates their danger. This must certainly befall as many as are lewd, foolish, negligent, imprudent, cowardly, wicked, vicious, or any way unworthy the places they obtain; for their reign is a perpetual exercise of the most extreme and ruinous injustice; every man that follows an honest interest, is prejudiced: every one who finds the power that was ordained for his good, to be turned to his hurt, will be angry, and hate him that does it: if the people be of uncorrupted manners, this hatred will be universal, because every one of them desires that which is just; if composed of good and evil, the first will always be averse to the evil government, and the others endeavouring to uphold it, the safety of the prince must depend upon the prevalence of either party. If the best prove to be the strongest, he must perish; and knowing himself to be supported only by the worst, he will always destroy as

many of his enemies as he can; weaken those that remain; enrich his creatures with their spoils and confiscations; by fraud and rapine accumulate treasures to increase the number of his party, and advance them into all places of power and trust, that by their assistance he may crush his adversaries; and every man is accounted his adversary who has either estate, honour, virtue, or reputation. This naturally casts all the power into the hands of those who have no such dangerous qualities, nor any thing to recommend them, but an absolute resignation of themselves to do whatever they are commanded. These men having neither will nor knowledge to do good, as soon as they come to be in power, justice is perverted, military discipline neglected, the public treasures exhausted, new projects invented to raise more; and the prince's wants daily increasing, through their ignorance, negligence, or deceit, their is no end of their vices and tricks to gain supplies. To this end, swarms of spies, informers, and false witnesses, are sent out to circumvent the richest and most eminent men: the tribunals are filled with court-parasites of profligate consciences, fortunes, and reputation, that no man may escape who is brought before them. If crimes are wanting, the diligence of well chosen officers and prosecutors, with the favour of the judges, supply all defects; the law is made a snare; virtue suppressed, vice fomented, and, in a short time, honesty and knavery, sobriety and lewdness, virtue and vice, become badges of the several factions; and every man's conversation and manners shewing to what party he is addicted, the prince who makes himself

head of the worst, must favour them to the overthrow of the best, which is so straight a way to an universal ruin, that no state can prevent it, unless that course be interrupted.

These things considered, no general judgment can be made of a magistrate's counsels from his name or duty. He that is just, and become grateful to the people by doing good, will find his own honour and security in increasing their number, riches, virtue, and power: if on the other side, by doing evil he has drawn upon himself the public hatred, he will always endeavour to take from them the power of doing him any hurt, by bringing them into the utmost weakness, poverty, and baseness. And whoever would know whether any particular prince desires to increase or destroy the bodies and goods of his subjects, must examine whether his government be such as renders him grateful or odious to them; and whether he do pursue the public interest, or for the advancement of his own authority set up one in himself contrary to that of his people; which can never befall a popular government, and consequently, no mischief equal to it can be produced by any such, unless something can be imagined worse than corruption and destruction.

SECTION XXVIII.

MEN LIVING UNDER POPULAR OR MIXED GOVERNMENTS ARE MORE CAREFUL OF THE PUBLIC GOOD, THAN IN ABSOLUTE MONARCHIES.

Our author delighting in strange things, does in the next place, with an admirable sagacity, discover two faults in popular governments, that were never found by any man before him; and these are no less than ignorance and negligence. Speaking of the care of princes to preserve their subjects, he adds, "On the contrary, in a popular state, every man knows the public good doth not wholly depend upon his care, but the commonwealth may be well enough governed by others, though he only tend his private business." And a little below, "Nor are they much to be blamed for their negligence, since it is an even wager their ignorance may be as great. The magistrates amongst the people being for the most part annual, do always lay down their office before they understand it; so as a prince of a duller understanding must needs excel them." This is bravely determined, and the world is beholden to Filmer for the discovery of the errors that have hitherto been epidemical. Most men had believed, that such as live in free states are usually pleased with their condition, desire to maintain it; and every man finding his own good comprehended in the public, as those that sail in the same ship, employs the talent he has

in endeavouring to preserve it, knowing that he must perish if that miscarry. This was an encouragement to industry; and the continual labours and dangers to which the Romans, and other free nations, exposed themselves, have been taken for testimonies that they thought themselves concerned in the businesses that passed among them, and that every one did not neglect them through an opinion that they would be done well enough by others. It was also thought, that free cities, by frequent elections of magistrates, became nurseries of great and able men, every man endeavouring to excel others, that he might be advanced to the honour he had no other title to than what might arise from his merit or reputation; in which they succeeded so well, that one of them may be justly said to have produced more eminent men than all the absolute monarchies that have been in the world. But these were mistakes. Perhaps Brutus, Valerius, and other Roman senators or magistrates, for the space of three hundred years, might have taken some care of the commonwealth, if they had thought it wholly depended upon one of them. But believing it would be well enough governed by others, they neglected it. Camillus, Cincinnatus, Papirius, Fabius, Rullus, and Maximus, Scipio Africanus, Amilcar, Hannibal, Pericles, Themistocles, Alcibiades, Epaminondas, Philopœmen, and others, might have proved able men in affairs of war or government; but they were removed from their offices before they understood them, and must needs be excelled in both by princes,

though of duller understanding. This may be enough to excuse them for performing their duty so slackly and meanly: but it is strange that Tacitus, and others, should so far overlook the reason, and so grossly mistake the matter of fact, as not only to say, that great and excellent spirits failed when liberty was lost, and all preferments given to those who were most propense to slavery; but that there wanted men even to write the history, "*inscitia reipublicæ ut alienæ.*"* They never applied themselves to understand affairs depending upon the will of one man, in whom they were no otherwise concerned than to avoid the effects of his rage; and that was chiefly to be done, by not falling under the suspicion of being virtuous. This was the study then in request; and the most cunning in this art were called "*scientes temporum:*" no other wisdom was esteemed in that and the ensuing ages, and no more was required, since the paternal care, deep wisdom, and profound judgment of the princes provided for all; and though they were of duller understandings, they must needs excel other magistrates, who having been created only for a year, left their offices before they could understand the duties of them. This was evinced by that tenderness and sincerity of heart, as well as the great purity of manners, observed in Tiberius; the clemency, justice, solid judgment, and frugality of Caligula; the industry, courage, and sobriety of Claudius; the good-nature and prudent government of Nero; the temperance,

* Tacit. Ann. i.

vivacity, and diligence of Vitellius; the liberality of Galba and Vespasian; together with the encouragement given by Domitian, Commodus, Heliogabulus, and many others, to all manner of virtues, and favours conferred upon those that excelled in them. Our author, giving such infallible proof of his integrity and understanding, by teaching us these things that would never have come into our heads, ought to be credited, though that which he proposes seem to be most absurd. But if we believe such as lived in those times, or those who in later ages have perused their writings, we cannot but think the princes before-mentioned, and the greatest part of those who possessed the same place, not only to have been void of all virtue, and to have suffered none to grow up under them, but in baseness, sottishness, and malice, to have been equal to the worst of all beasts. Whilst one prince, polluted with lust and blood, sat in his grotto at Capreæ, surrounded with an infamous troop of astrologers; and others were governed by whores, bardaches, manumised slaves, and other villains; the empire was ruined through their negligence, incapacity, and wickedness; and the city that had flourished in all manner of virtue, as much or more than any that has been yet known in the world, produced no more; the discipline was dissolved that nourished it; no man could hope to advance a public good, or obviate an evil, by his diligence and valour; and he who acquired reputation by either, could expect no other reward than a cruel death. If Germanicus and Corbulo, who were born when liberty was expiring, be brought for exam-

ples against the first part of my assertion, their ends will justify the latter; and no eminent Roman family is known to have brought forth a man that deserved to be named in history since their time. This is as probable in reason, as true in fact. Men are valiant and industrious, when they fight for themselves and their country; they prove excellent in all the arts of war and peace, when they are bred up in virtuous exercises, and taught by their fathers and masters to rejoice in the honours gained by them: they love their country, when the good of every particular man is comprehended in the public prosperity, and the success of their achievements is improved to the general advantage: they undertake hazards and labours for the government, when it is justly administered; when innocence is safe, and virtue honoured; when no man is distinguished from the vulgar, but such as have distinguished themselves by the bravery of their actions; when no honour is thought too great for those who do it eminently, unless it be such as cannot be communicated to others of equal merit: they do not spare their persons, purses, or friends, when the public powers are employed for the public benefit, and imprint the like affections in their children from their infancy. The discipline of obedience, in which the Romans were bred, taught them to command: and few were admitted to the magistracies of inferior rank, till they had given such proof of their virtue as might deserve the supreme. Cincinnatus, Camillus, Papirius, Mamercus, Fabius Maximus, were not made dictators, that they might learn the duties of the office,

but because they were judged to be of such wisdom, valour, integrity, and experience, that they might be safely trusted with the highest powers; and, whilst the law reigned, not one was advanced to that honour who did not fully answer what was expected from him. By this means the city was so replenished with men fit for the greatest employments, that even in its infancy, when three hundred and six of the Fabii, "*quorum neminem*," says Livy, "*ducem sperneret quibuslibet temporibus senatus*," were killed in one day, the city did lament the loss; but was not so weakened as to give any advantage to their enemies: and when every one of those who had been eminent before the second Punic war, Fabius Maximus only excepted, had perished in it, others arose in their places, who surpassed them in number, and were equal to them in virtue. The city was a perpetual spring of such men as long as liberty lasted; but that was no sooner overthrown, than virtue was torn up by the roots; the people became base and sordid, the small remains of the nobility slothful and effeminate, and their Italian associates becoming like to them, the empire, whilst it stood, was only sustained by the strength of foreigners.

The Grecian virtue had the same fate, and expired with liberty: instead of such soldiers as in their time had no equals, and such generals of armies and fleets, legislators and governors, as all succeeding ages have justly admired, they sent out swarms of fidlers, jesters, chariot drivers, players, bawds, flatterers, ministers of the most impure lusts; or idle, babbling,

hypocritical philosophers, not much better than they. The emperors' courts were always crowded with this vermin ; and, notwithstanding the necessity our author imagines, that princes must needs understand matters of government better than magistrates annually chosen, they did for the most part prove so brutish as to give themselves, and the world, to be governed by such as these; and that without any great prejudice, since none could be found more ignorant, lewd, and base, than themselves.

It is absurd to impute this to the change of times ; for time changes nothing ; and nothing was changed in those times, but the government, and that changed all things. This is not accidental, but according to the rules given to nature by God, imposing upon all things a necessity of perpetually following their causes. Fruits are always of the same nature with the seeds and roots from which they come, and trees are known by the fruits they bear : as a man begets a man, and a beast a beast, that society of men which constitutes a government upon the foundation of justice, virtue, and the common good, will always have men to promote those ends; and that which intends the advancement of one man's desires and vanity, will abound in those that will foment them. All men follow that which seems advantageous to themselves. Such as are bred under a good discipline, and see that all benefits, procured to their country by virtuous actions, redound to the honour and advantage of themselves, their children, friends, and relations, contract, from their infancy, a love to the public, and

look upon the common concernments as their own. When they have learned to be virtuous, and see that virtue is in esteem, they seek no other preferments than such as may be obtained that way; and no country ever wanted greater numbers of excellent men, where this method was established. On the other side, when it is evident, that the best are despised, hated, or marked out for destruction; all things calculated to the humour or advantage of one man, who is often the worst, or governed by the worst; honours, riches, commands, and dignities, disposed by his will, and his favour gained only by a most obsequious respect, or a pretended affection to his person, together with a servile obedience to his commands, all application to virtuous actions will cease; and no man caring to render himself or his children worthy of great employments, such as desire to have them will, by little intrigues, corruption, scurrility, and flattery, endeavour to make way to them; by which means true merit in a short time comes to be abolished, as fell out in Rome as soon as the Cæsars began to reign.

He who does not believe this, may see whether the like did not happen in all the other commonwealths of Italy and Greece; or if modern examples are thought to be of more value, let him examine whether the noblemen of Venice, who are born and bred in families that never knew a master, who act for themselves, and have a part in all the good or evil that befalls the commonwealth, and know, that if it be destroyed, they must perish, or at least that

all changes are to their prejudice, do neglect the public interests, as thinking, that the whole not depending upon any one of them, things will be well enough governed, though they attend only their private benefit. Let it be observed whether they do better understand the common concernments than the great men of France or Spain, who never come to the knowledge of any thing unless they happen to be favoured by the king, or his ministers, and know themselves never to be more miserable than when their master is most prosperous. For my own part, I cannot think it necessary to alledge any other proof of this point, than that when Maximilian the emperor,* Lewis the Twelfth of France, the fierce Pope Julius the Second, and Ferdinand the subtle, powerful, and bold king of Spain, had, by the league of Cambray, combined against the Venetians, gained the battle of la Ghirad'adda, taken Alviano their general prisoner, deprived them of all their dominion on the Terra Firma, and prepared to assault the city, it was, under God, solely preserved by the vigour and wisdom of their nobility, who, though no way educated to war, unless by sea, sparing neither persons nor purses, did with admirable industry and courage first recover Padoua, and then many other cities, so as at the end of that terrible war they came off without any diminution of their territories: whereas Portugal having in our age revolted from the house of Austria, no one doubts, that it had been immediately reduced, if the great men of Spain had not been pleased

* Paol. Paruta hist. Venet. Guicciard.

with such a lessening of their master's power, and resolved not to repair it by the recovery of that kingdom, or to deprive themselves of an easy retreat when they should be oppressed by him, or his favourites. The like thought was more plainly expressed by the Mareschal de Bassompierre, who seeing how hardly Rochel was pressed by Lewis the Thirteenth, said,* "he thought they should be such fools to take it:" but it is believed they would never have been such fools; and the treachery only of our countrymen did enable the cardinal Richelieu to do it (as for his own glory, and the advancement of the popish cause, he really intended): and nothing is, to this day, more common in the mouths of their wisest and best men, though papists, than the acknowledgment of their own folly in suffering that place to fall, the king having by that means gotten power to proceed against them at his pleasure. The brave Monsieur de Turenne is said to have carried this to a greater height in his last discourse to the present king of France: "You think, said he, you have armies, but you have none; the one half of the officers are the bawdy-house companions of Monsieur de xxx, or the creatures of his whore, Madam de xxx: the other half may be men of experience, and fit for their employments; but they are such as would be pleased with nothing more than to see you lose two or three battles, that coming to stand in

* Je croy qu'enfin nous serons assez fous pour prendre la Rochelle. Mem. de Bassompierre.

need of them, you might cause them to be better used by your ministers than of late they have been." It may be easily imagined how men in such sentiments do serve their master; and nothing is more evident, than that the French in this age have had so great advantages that they might have brought Europe, and perhaps Asia, under their power, if the interest of the nation had been united to that of the government, and the strength, vigour, and bravery of the nobility employed that way. But since it has pleased God to suffer us to fall into a condition of being little able to help ourselves, and that they are in so good terms with the Turk as not to attack him, it is our happiness that they do not know their own strength, or cannot, without ruin to themselves, turn it to our prejudice.

I could give yet more pregnant testimonies of the difference between men fighting for their own interests in the offices to which they had been advanced by the votes of numerous assemblies, and such as serve for pay, and get preferments by corruption or favour, if I were not unwilling to stir the spleen of some men by obliging them to reflect upon what has passed in our own age and country; to compare the justice of our tribunals within the time of our memory, and the integrity of those who* for a while managed the public treasure; the discipline, valour, and strength of our armies and fleets; the increase of our riches and trade; the success of our wars in

* The Parliament of 1641.

Scotland, Ireland, and at sea; the glory and reputation not long since gained, with that condition into which we are of late fallen. But I think I shall offend no wise or good man, if I say, that as neither the Romans nor Grecians, in the time of their liberty, ever performed any actions more glorious, than freeing the country from a civil war that had raged in every part, the conquest of two such kindoms as Scotland and Ireland, and crushing the formidable power of the Hollanders by sea; nor ever produced more examples of valour, industry, integrity, and in all respects complete, disinterested, unmoveable, and incorruptible virtue, than were at that time seen in our nation: so neither of them, upon the change of their affairs, did exceed us in weakness, cowardice, baseness, venality, lewdness, and all manner of corruption. We have reason therefore not only to believe, that all princes do not necessarily understand the affairs of their people, or provide better for them than those who are otherwise chosen; but that, as there is nothing of greatness, power, riches, strength, and happiness, which we might not reasonably have hoped for, if we had rightly improved the advantages we had, so there is nothing of shame and misery which we may not justly fear, since we have neglected them.

If any man think that this evil of advancing officers for personal respects, favour, or corruption, is not of great extent, I desire him to consider, that the officers of state, courts of justice, church, armies, fleets, and corporations, are of such number and power as

wholly to corrupt a nation, when they themselves are corrupted; and will ever be corrupt, when they attain to their offices by corruption. The good management of all affairs, civil, military, and ecclesiastical, necessarily depends upon good order and discipline; and it is not in the power of common men to reform abuses patronized by those in authority, nor to prevent the mischiefs thereupon ensuing; and, not having power to direct public actions to the public good, they must consequently want the industry and affection that is required to bring them to a good issue. The Romans were easily beaten under the decemviri, though immediately before the erection, and after the extinction, of that power, none of their neighbours were able to resist them. The Goths, who with much glory had reigned in Spain for about three hundred years, had neither strength nor courage under their lewd and odious king Rodrigo, and were in one day subdued with little loss of blood by the Saracens, and could not in less than eight hundred years free their country from them. That brave nation, having of late fallen under as base a conduct, has now as little heart or power to defend itself: court parasites have rendered valour ridiculous; and they who have ever shewed themselves as much inclined to arms as any people of the world, do now abhor them, and are sent to the wars by force, laid in carts, and bound like calves brought to the shambles, and left to starve in Flanders, as soon as they arrive. It may easily be judged what service can be expected from such men, though they should happen to be well commanded: but the great officers,

by the corruption of the court, think only of enriching themselves; and, increasing the misery of the soldiers by their frauds, both become equally useless to the state.

Notwithstanding the seeming prosperity of France, matters there are not much better managed. The warlike temper of that people is so worn out by the frauds and cruelties of corrupt officers, that few men list themselves willingly to be soldiers; and, when they are engaged or forced, they are so little able to endure the miseries to which they are exposed, that they daily run away from their colours, though they know not whither to go, and expect no mercy, if they are taken. The king has in vain attempted to correct this humour by the severity of martial law: but men's minds will not be forced; and though his troops are perfectly well armed, clothed, and exercised, they have given many testimonies of little worth. When the prince of Conde had by his own valour, and the strength of the king's guards, broken the first line of the prince of Orange's army at the battle of Seneff, and put the rest into disorder, he could not make the second and third line of his own army to advance and reinforce the first, by which means he lost all the fair hopes he had conceived of an intire victory. Not long after, the Mareschal de Crequi was abandoned by his whole army near Trier, who ran away, hardly striking a stroke, and left him with sixteen horse to shift for himself. When Monsieur de Turenne, by the excellency of his conduct and valour, had gained such a reputation amongst

the soldiers that they thought themselves secure under him, he did not suffer such disgraces; but he being killed, they returned to the usual temper of forced and ill used soldiers; half the army was lost in a retreat, little differing from a flight; and the rest, as they themselves confess, saved by the bravery of two English regiments. The prince of Conde was soon after sent to command; but he could not, with all his courage, skill, and reputation, raise their fallen spirits, nor preserve his army any other way, than by lodging them in a camp near Schlestadt, so fortified by art and nature that it could not be forced.

To these we may add some examples of our own. In our late war, the Scots foot, whether friends or enemies, were much inferior to those of the Parliament, and their horse esteemed as nothing. Yet in the year 1639, and 1640, the king's army, though very numerous, excellently armed and mounted, and, in appearance able to conquer many such kingdoms as Scotland, being under the conduct of courtiers, and affected as men usually are towards those that use them ill and seek to destroy them, they could never resist a wretched army commanded by Leven; but were shamefully beaten at Newborn, and left the northern countries to be ravaged by them.

When Van Tromp set upon Blake in Foleston-Bay, the Parliament had not above thirteen ships against three-score, and not a man that had ever seen any other fight at sea, than between a merchant-ship and a pirate, to oppose the best captain in the world,

attended with many others in valour and experience not much inferior to him. Many other difficulties were observed in the unsettled state: few ships, want of money, several factions, and some who, to advance particular interests, betrayed the public. But such was the power of wisdom and integrity in those that sat at the helm, and their diligence in chusing men only for their merit was blessed with such success, that in two years our fleets grew to be as famous as our land armies; the reputation and power of our nation rose to a greater height than when we possessed the better half of France, and the kings of France and Scotland were our prisoners. All the states, kings, and potentates of Europe, most respectfully, not to say submissively, sought our friendship; and Rome was more afraid of Blake and his fleet, than they had been of the great king of Sweden, when he was ready to invade Italy with a hundred thousand men. This was the work of those, who, if our author says true, "thought basely of the public concernments;" and, believing things must be well enough managed by others, minded only their private affairs. These were the effects of the negligence and ignorance of those, who, being suddenly advanced to offices, were removed before they understood the duties of them. These diseases, which proceed from popular corruption and irregularity, were certainly cured by the restitution of that integrity, good order, and stability, that accompany divine monarchy. The justice of the war made against Holland in the year 1665, the probity of the gentleman who, without partiality or bribery, chose the most part of the

officers that carried it on; the wisdom, diligence, and valour, manifested in the conduct, and the glory with which it was ended, justifies all that our author can say in its commendation. If any doubt remains, the subtilty of making the king of France desire that the Netherlands might be an accession to his crown; the ingenious ways taken by us to facilitate the conquest of them; the industry of our ambassadors, in diverting the Spaniards from entering into the war till it was too late to recover the losses sustained; the honourable design upon the Smyrna fleet, and our frankness in taking the quarrel upon ourselves; together with the important figure we now make in Europe, may wholly remove it; and in confirmation of our author's doctrine, shew, that princes do better perform the offices that require wisdom, industry, and valour, than annual magistrates; and do more seldom err in the choice of officers, than senates and popular assemblies.

SECTION XXIX.

THERE IS NO ASSURANCE THAT THE DISTEMPERS OF A STATE SHALL BE CURED BY THE WISDOM OF A PRINCE.

"But," says our author, "the virtue and wisdom of a prince supplies all. Though he were of a duller understanding, by use and experience he must

needs excel all." Nature, age, or sex, are, as it seems, nothing to the case. A child, as soon as he comes to be a king, has experience; the head of a fool is filled with wisdom, as soon as a crown is set upon it, and the most vicious do in a moment become virtuous. This is more strange than that an ass, being trained to a course, should outrun the best Arabian horse: or a hare, bred up in an army, become more strong and fierce than a lion; for fortune does not only supply all natural defects in princes, and correct their vices, but gives them the benefit of use and experience, when they have none. Some reasons and examples might have been expected to prove this extraordinary proposition: but according to his laudable custom, he is pleased to trouble himself with neither; and thinks, that the impudence of an assertion is sufficient to make that to pass, which is repugnant to experience and common sense, as may appear by the following discourse.

I will not insist upon terms; for though "duller understanding" signifies nothing, inasmuch as no understanding is dull, and a man is said to be dull only because he wants it; but presuming he means little understanding, I shall so take it. This defect may possibly be repaired in time; but to conclude it must be so, is absurd, for no one has this use and experience when he begins to reign. At that time many errors may be committed to the ruin of himself or people, and many have perished even in their beginning. Edward the Fifth and Sixth of England,

Francis the Second of France, and divers other kings, have died in the beginning of their youth: Charles the Ninth lived only to add the furies of youth to the follies of his childhood; and our Henry the Second, Edward the Second, Richard the Second, and Henry the Sixth, seem to have been little wiser in the last, than in the first year of their reign or life. The present kings of Spain, France, and Sweden, came to the crowns they wear before the sixth year of their age; and if they did then surpass all annual magistrates in wisdom and valour, it was by a peculiar gift of God, which, for any thing we know, is not given to every king, and it was not use and experience that made them to excel. If it be pretended, that this experience, with the wisdom that it gives, comes in time, and by degrees, I may modestly ask, what time is required to render a prince excellent in wisdom who is a child or a fool? And who will give security that he shall live to that time, or that the kingdom shall not be ruined in the time of his folly? I may also doubt how our author, who concludes, that every king, in time, must needs become excellent in wisdom, can be reconciled to Solomon, who in preferring a wise child before an old and foolish king that will not be advised, shews that an old king may be a fool, and he that will not be advised is one. Some are so naturally brutish and stupid, that neither education nor time will mend them. It is probable that Solomon took what care he could to instruct his only son Rehoboam; but he was certainly a fool at forty years of age, and we have no reason to believe that he deserved a better

name. He seems to have been the very fool his father intended, who, though brayed in a mortar, would never leave his folly; he would not be advised, though the hand of God was against him; ten tribes revolted from him, and the city and temple were pillaged by the Egyptians. Neither experience nor afflictions could mend him, and he is called to this day by his own countrymen "*stultitia gentium.*" I might offend tender years, if I should alledge all the examples of princes mentioned in history, or known in our own age, who have lived and died as foolish and incorrigible as he: but no man, I presume, will be scandalized, that the ten last kings of Meroveus' race, whom the French historians call "*les roys faineants,*" were so far from excelling other men in understanding, that they lived and died more like to beasts than men. Nay, the wisdom and valour of Charles Martel expired in his grandchild Charles the Great; and his posterity grew to be so sottish, that the French nation must have perished under their conduct, if the nobility and people had not rejected them, and placed the crown upon a more deserving head.

This is as much as is necessary to be said to the general proposition; for it is false, if it be not always true; and no conclusion can be made upon it. But I need not be so strict with our author, there being no one sound part in his assertion. Many children come to be kings when they have no experience, and die, or are deposed, before they can gain any. Many are by nature so sottish that they can learn

nothing: others, falling under the power of women, or corrupt favourites and ministers, are persuaded and seduced from the good ways to which their own natural understanding or experience might lead them; the evils drawn upon themselves, or their subjects, by the errors committed in the time of their ignorance, are often grievous, and sometimes irreparable, though they should be made wise by time and experience. A person of royal birth and excellent wit, was so sensible of this as to tell me, "that the condition of kings was most miserable, inasmuch as they never heard truth till they were ruined by lies; and then every one was ready to tell it to them, not by way of advice, but reproach, and rather to vent their own spite, than to seek a remedy to the evils brought upon them, and the people." Others attain to crowns when they are of full age, and have experience as men, though none as kings; and therefore are apt to commit as great mistakes as children: and, upon the whole matter, all the histories of the world shew, that, instead of this profound judgment and incomparable wisdom, which our author generally attributes to all kings, there is no sort of men that do more frequently and intirely want it.

But though kings were always wise by nature, or made to be so by experience, it would be of little advantage to nations under them, unless their wisdom were pure, perfect, and accompanied with clemency, magnanimity, justice, valour, and piety. Our author durst hardly have said, that these virtues or

graces are gained by experience, or annexed by God to any rank of men or families. He gives them where he pleases, without distinction. We sometimes see those upon thrones, who by God and nature seem to have been designed for the most sordid offices; and those have been known to pass their lives in meanness and poverty, who had all the qualities that could be desired in princes. There is likewise a kind of ability to dispatch some sort of affairs, that princes who continue long in a throne may to a degree acquire or increase. Some men take this for wisdom; but King James more rightly called it by the name of "king-craft;" and as it principally consists in dissimulation, and the arts of working upon men's passions, vanities, private interests, or vices, to make them for the most part instruments of mischief, it has the advancement or security of their own persons for its object; is frequently exercised with all the excesses of pride, avarice, treachery, and cruelty; and no men have been ever found more notoriously to deflect from all that deserves praise in a prince, or a gentleman, than those that have most excelled in it. Pharasmenes king of Iberia, is recorded by Tacitus to have been well versed in this science.* His brother Mithridates, king of Arminia, had married his daughter, and given his own daughter to Rhadamistus, son of Pharasmenes. He had some contests with Mithridates; but, by the help of these mutual alliances, nearness of blood, the diligence of Rhadamistus, and an oath, strengthened with all the ceremonies

* Tacit. Ann. l. xi. xii.

that amongst those nations were esteemed most sacred, not to use arms or poison against him, all was composed; and, by this means getting him into his power, he stifled him with a great weight of cloaths thrown upon him, killed his children, and not long after, his own son Rhadamistus also. Louis the Eleventh of France, James the Third of Scotland, Henry the seventh of England, were great masters of these arts; and those who are acquainted with history, will easily judge, how happy nations would be if all kings did in time certainly learn them.

Our author, as a farther testimony of his judgment, having said that kings must needs excel others in understanding, and grounded his doctrine upon their profound wisdom, imputes to them those "base and panic fears," which are inconsistent with it, or any royal virtue; and to carry his point higher, tells us, "there is no tyrant so barbarously wicked, but his own reason and sense will tell him, that though he be a god, yet he must die like a man; and that there is not the meanest of his subjects, but may find a means to revenge himself of the injuries offered him;" and from thence concludes, that "there is no such tyranny as that of a multitude, which is subject to no such fears." But if there be such a thing in the world as a barbarous and wicked tyrant, he is something different from a king, or the same; and his wisdom is consistent or inconsistent with barbarity, wickedness, and tyranny. If there be no difference, the praises he gives, and the rights he ascribes to the one, belong also to the other: and the

excellency of wisdom may consist with barbarity, wickedness, tyranny, and the panic fears that accompany them; which hitherto have been thought to comprehend the utmost excesses of folly and madness: and I know no better testimony of the truth of that opinion, than that wisdom always distinguishing good from evil, and being seen only in the rectitude of that distinction, in following and adhering to the good, rejecting that which is evil, preferring safety before danger, happiness before misery, and in knowing rightly how to use the means of attaining or preserving the one, and preventing or avoiding the other: there cannot be a more extravagant deviation from reason, than for a man who in a private condition might live safely and happily, to invade a principality; or if he be a prince, who by governing with justice and clemency might obtain the inward satisfaction of his own mind, hope for the blessing of God upon his just and virtuous actions, acquire the love and praises of men, and live in safety and happiness amongst his safe and happy subjects, to fall into that barbarity, wickedness, and tyranny, which brings upon him the displeasure of God, and detestation of men, and which is always attended with those base and panic fears, that comprehend all that is shameful and miserable. This being perceived by Machiavel, he could not think, that any man in his senses would not rather be a Scipio than a Cæsar;* or, if he came to be a prince, would not rather chuse to imitate Agesilaus, Timoleon, or

* Discors. sopra. T. Liv. l. i. c. 10.

Dion, than Nabis, Phalaris, or Dionysius; and imputes the contrary choice to madness. Nevertheless, it is too well known, that many of our author's profound wise men, in the depth of their judgment, made perfect by use and experience, have fallen into it.

If there be a difference between this barbarous, wicked tyrant, and a king, we are to examine who is the tyrant, and who the king; for the name conferred or assumed cannot make a king, unless he be one. He who is not a king, can have no title to the rights belonging to him who is truly a king: so that a people who find themselves wickedly and barbarously oppressed by a tyrant may destroy him, and his tyranny, without giving offence to any king.

But it is strange that Filmer should speak of the barbarity and wickedness of a tyrant, who looks upon the world to be the patrimony of one man; and, for the foundation of his doctrine, asserts such a power in every one that makes himself master of any part, as cannot be limited by any law. His title is not to be questioned: usurpation and violence confer an incontestable right: the exercise of his power is no more to be disputed than the acquisition: his will is a law to his subjects: and no law can be imposed by them upon his conduct. For if these things be true, I know not how any man could ever be called a tyrant, that name having never been given to any, unless for usurping a power that did not belong to him, or an unjust exercise of that which had been

conferred upon him, and violating the laws which ought to be a rule to him. It is also hard to imagine how any man can be called barbarous and wicked, if he be obliged by no law but that of his own pleasure; for we have no other notion of wrong, than that it is a breach of the law which determines what is right. If the lives and goods of subjects depend upon the will of the prince, and he in his profound wisdom preserve them only to be beneficial to himself, they can have no other right than what he gives, and, without injustice, may retain when he thinks fit: if there be no wrong, there can be no just revenge; and he that pretends to seek it, is not a free man vindicating his right, but a perverse slave rising up against his master. But if there be such a thing as a barbarous and wicked tyrant, there must be a rule relating to the acquisition and exercise of the power, by which he may be distinguished from a just king; and a law superior to his will, by the violation of which he becomes barbarous and wicked.

Though our author so far forgets himself, to confess this to be true, he seeks to destroy the fruits of it by such flattery as comprehends all that is most detestable in profaneness and blasphemy, and gives the name of gods to the most execrable of men. He may by such language deserve the name of Heylin's disciple; but will find few among the heathens so basely servile, or so boldly impious. Though Claudius Cæsar was a drunken sot, and transported with the extravagance of his fortune, he detested the im-

pudence of his predecessor Caligula (who affected that title) and in his rescript to the procurator of Judea, gives it no better name than "*turpem Caii insaniam.*" For this reason it was rejected by all his pagan successors, who were not as furiously wicked as he: yet Filmer has thought fit to renew it, for the benefit of mankind, and the glory of the christian religion.

I know not whether these extreme and barbarous errors of our author are to be imputed to wickedness or madness; or whether, to save the pains of a distinction, they may not rightly be said to be the same thing; but nothing less than the excess of both could induce him to attribute any thing of good to the fears of a tyrant, since they are the chief causes of all the mischiefs he does. Tertullian says, they are "*metu quam furore sæviores;*" and Tacitus, speaking of a most wicked* king, says, that he did "*sævitiam ignaviæ obtendere;*"† and we do not more certainly find, that cowards are the cruellest of men, than that wickedness makes them cowards; that every man's fears bear a proportion with his guilt, and with the number, virtue, and strength of those he has offended. He who usurps a power over all, or abuses a trust reposed in him by all, in the highest measure offends all; he fears and hates those he has offended, and to secure himself, aggravates

* Gotarzes. Tac. Ann. l. xii. c. 10.

† The words in Tacitus are somewhat different, "*dum socors domi, bellis infaustus,*" "IGNAVIAM SAEVITIA TEGAT;" which give quite another sense, and very foreign to the point.

the former injuries: when these are public, they beget a universal hatred, and every man desires to extinguish a mischief that threatens ruin to all. This will always be terrible to one that knows he has deserved it; and when those he dreads are the body of the people, nothing but a public destruction can satisfy his rage, and appease his fears.

I wish I could agree with Filmer, in exempting multitudes from fears; for they having seldom committed any injustice, unless through fear, would, as far as human frailty permits, be free from it. Though the Attic ostracism was not an extreme punishment, I know nothing usually practised in any commonwealth that did so much savour of injustice: but it proceeded solely from a fear that one man, though in appearance virtuous, when he came to be raised too much above his fellow-citizens, might be tempted to invade the public liberty. We do not find, that the Athenians, or any other free cities, ever injured any man, unless through such a jealousy, or the perjury of witnesses, by which the best tribunals that ever were, or can be, established in the world, may be misled; and no injustice could be apprehended from any, if they did not fall into such fears.

But though multitudes may have fears as well as tyrants, the causes and effects of them are very different. A people, in relation to domestic affairs, can desire nothing but liberty, and neither hate or fear any but such as do, or would, as they suspect,

deprive them of that happiness: their endeavours to secure that seldom hurt any except such as invade their rights; and if they err, the mistake is for the most part discovered before it produce any mischief; and the greatest that ever came that way, was the death of one or a few men. Their hatred and desire of revenge can go no farther than the sense of the injury received or feared, and is extinguished by the death or banishment of the persons; as may be gathered from the examples of the Tarquins, decemviri, Cassius, Melius, and Manlius Capitolinus. He therefore that would know whether the hatred and fear of a tyrant, or of a people, produces the greater mischiefs, needs only to consider, whether it be better, that the tyrant destroy the people, or that the people destroy the tyrant; or at the worst, whether one that is suspected of affecting the tyranny should perish, or a whole people, amongst whom very many are certainly innocent; and experience shews, that such are always first sought out to be destroyed for being so: popular furies or fears, how irregular or unjust soever they may be, can extend no farther; general calamities can only be brought upon a people by those who are enemies to the whole body, which can never be the multitude, for they are that body. In all other respects, the fears that render a tyrant cruel, render a people gentle and cautious; for every single man knowing himself to be of little power, not only fears to do injustice because it may be revenged upon his person, by him, or his friends, kindred, and relations, that suffers it; but because it tends to the overthrow of the government,

which comprehends all public and private concernments, and which every man knows cannot subsist unless it be so easy and gentle, as to be pleasing to those who are the best, and have the greatest power: and as the public considerations divert them from doing those injuries that may bring immediate prejudice to the public, so there are strict laws to restrain all such as would do private injuries. If neither the people nor the magistrates of Venice, Switzerland, and Holland, commit such extravagancies as are usual in other places, it does not perhaps proceed from the temper of those nations different from others, but from a knowledge, that whosoever offers an injury to a private person, or attempts a public mischief, is exposed to the impartial and inexorable power of the law; whereas the chief work of an absolute monarch is to place himself above the law, and thereby rendering himself the author of all the evils that the people suffer, it is absurd to expect that he should remove them.

SECTION XXX.

A MONARCHY CANNOT BE WELL REGULATED, UNLESS THE POWERS OF THE MONARCH ARE LIMITED BY LAW.

Our author's next step is not only to reject popular governments, but all such monarchies as are not absolute; "for if the king," says he, "admits the

people to be his companions, he leaves to be a king." This is the language of French lackeys, valet-de-chambres, taylors, and others like them in wisdom, learning, and policy, who when they fly to England for fear of a well-deserved gally, gibbet, or wheel, are ready to say, "*Il faut que le roit soit absolu, autrement il n'est point roy.*" And finding no better men to agree with Filmer in this sublime philosophy, I may be pardoned if I do not follow them, till I am convinced in these ensuing points.

1. It seems absurd to speak of kings admitting the nobility or people to part of the government: for though there may be, and are, nations without kings, yet no man can conceive a king without a people. These must necessarily have all the power originally in themselves; and though kings may, and often have, a power of granting honours, immunities, and privileges, to private men or corporations, he does it only out of the public stock, which he is entrusted to distribute; but can give nothing to the people, who give to him all that he can rightly have.

2. It is strange that he who frequently cites Aristotle and Plato, should unluckily acknowledge, such only to be kings as they call tyrants, and deny the name of king to those who, in their opinion, are the only kings.

3. I cannot understand why the scripture should call those kings whose powers are limited, if they only are kings who are absolute; or why Moses did appoint, that the power of kings in Israel should be

limited (if they resolved to have them)* if that limitation destroyed the being of a king.

4. And lastly, how he knows, that in the kingdoms which have a shew of popularity, the power is wholly in the king.

The first point was proved when we examined the beginning of monarchs, and found it impossible that there could be any thing of justice in them, unless they were established by the common consent of those who were to live under them; or that they could make any such establishment, unless the right and power were in them.

Secondly, Neither Plato nor Aristotle acknowledge either reason or justice in the power of a monarch, unless he has more of the virtues conducing to the good of the civil society than all those who compose it; and employs them for the public advantage, and not to his own pleasure and profit, as being set up by those who seek their own good, for no other reason than that he should procure it. To this end a law is set as a rule to him, and the best men, that is such as are most like to himself, made to be his assistants because, say they, "*lex est mens sine affectu, & quasi Deus;*"† whereas the best of men have their affections and passions, and are subject to be misled by them: which shews, that as the monarch is not for himself, nor by himself, he does not

* Deut. xvii.

† Plat. De leg. Arist. Polit.

give, but receive power, nor admit others to the participation of it, but is by them admitted to what he has. Whereupon they conclude, that to prefer the absolute power of a man, as in those governments which they call "*barbarorum regna*," before the regular government of kings justly exercising a power instituted by law, and directed to the public good, is to choose rather to be subject to the lust of a beast, than to be governed by a God. And because such a choice can only be made by a beast, I leave our author to find a description of himself in their books, which he so often cites.

But if Aristotle deserves credit, the princes who reign for themselves, and not for the people, preferring their own pleasure or profit before the public, become tyrants; who in his language are, enemies to God and man. On this account Boccalina introduces the princes of Europe raising a mutiny against him in Parnassus, for giving such definitions of tyrants as they said comprehended them all; and forcing the poor philosopher to declare by a new definition, that* "tyrants were certain men of ancient times, whose race is now extinguished." But with his wit and learning he could not give a reason, why those who do the same things that rendered the ancient tyrants detestable, should not be so also in our days.

In the third place, the scriptures declare the necessity of setting bounds to those who are placed in

* Che I tirranni furono certi huomini del tempo antico de1 quali hoggidi si e perduta la razza. Boccal. Rag. de Parn.

the highest dignities. Moses seems to have had as great abilities as any man that ever lived in the world; but he alone was not able to bear the weight of the government, and therefore God appointed seventy chosen men to be his assistants. This was a perpetual law to Israel; and as no king was to have more power than Moses, or more abilities to perform the duties of his office, none could be exempted from the necessity of wanting the like helps. Our author therefore must confess, that they are kings who have them, or that kingly government is contrary to the scriptures. When God by Moses gave liberty to his people to make a king, he did it under these conditions.* "He must be one of their brethren: they must chuse him: he must not multiply gold, silver, wives, nor horses: he must not lift up his heart above his brethren." And Josephus, paraphrasing upon the place, says, "He shall do nothing without the advice of the sanhedrim; or if he do, they shall oppose him."† This agrees with the confession of Zedekiah to the princes (who were the sanhedrim) "The king can do nothing without you;"‡ and seems to have been in pursuance of the law of the kingdom, which was written in a book and laid up before the Lord; and could not but agree with that of Moses, unless they spake by different spirits, or that the spirit by which they did speak was subject to error or change: and the whole series of God's law shews, that the pride, magnificence, pomp, and glory usurp-

* Deut. xvii. † Jos. Ant. Jud. ‡ Jer. xxxviii.

ed by their kings, was utterly contrary to the will of God. They did lift up their hearts above their brethren, which was forbidden by the law. All the kings of Israel, and most of the kings of Judah, utterly rejected it, and every one of them did very much depart from the observation of it. I will not deny, that the people in their institution of a king intended they should do so; they had done it themselves, and would have a king that might uphold them in their disobedience; they were addicted to the idolatry of their accursed neighbours, and desired that government by which it was maintained amongst them. In doing this they did not reject Samuel; but they rejected God, that he should not reign over them. They might perhaps believe, that, unless their king were such as the law did not permit, he would not perform what they intended; or that the name of king did not belong to him, unless he had a power that the law denied. But since God and his prophets give the name of king to the chief magistrate, endowed with a power that was restrained within very narrow limits, whom they might without offence set up, we also may safely give the same to those of the same nature, whether it please Filmer or not.

4. The practice of most nations, and (I may truly say) of all that deserve imitation, has been as directly contrary to the absolute power of one man, as their constitutions: or if the original of many governments lie hid in the impenetrable darkness of antiquity, their progress may serve to shew the intention

of the founders. Aristotle seems to think, that the first monarchs, having been chosen for their virtue, were little restrained in the exercise of their power; but that they, or their children, falling into corruption and pride, grew odious; and that nations did on that account either abolish their authority, or create senates, and other magistrates, who, having part of the power, might keep them in order. The Spartan kings were certainly of this nature; and the Persian, till they conquered Babylon. Nay, I may safely say, that neither the kings which the frantic people set up in opposition to the law of God, nor those of the bordering nations, whose example they chose to follow, had that absolute power which our author attributes to all kings as inseparable from the name. Achish the Philistine loved and admired David; he looked upon him as an angel of God; and promised that he should be the keeper of his head for ever; but when the princes suspected him, and said, "He shall not go down with us to battle,"* he was obliged to dismiss him. This was not the language of slaves, but of those who had a great part in the government; and the king's submission to their will shews, that he was more like to the kings of Sparta than to an absolute monarch, who does whatever pleases him. I know not whether the Spartans were descended from the Hebrews, as some think; but their kings were under a regulation much like that of the xvii of Deut. though they had two: their senate of twenty-eight, and the ephori, had a power like to

* 1 Sam. xxix.

that of the sanhedrim; and by them kings were condemned to fines, imprisonment, banishment, and death, as appears by the examples of Pausanias, Clonymus, Leonidas, Agis, and others. The Hebrew discipline was the same; "*Reges Davidicæ stirpis*," says Maimonides, "*judicabant & judicabantur.*"* They gave testimony in judgment when they were called, and testimony was given against them: whereas the kings of Israel, as the same author says, were "*superbi, corde elati, & spretores legis, nec judicabant, nec judicabantur;*† proud, insolent, and contemners of the law, who would neither judge, nor submit to judgment, as the law commanded. The fruits they gathered were suitable to the seed they had sown: their crimes were not left unpunished: they who despised the law, were destroyed without law; and when no ordinary course could be taken against them for their excesses, they were overthrown by force, and the crown within the space of a few years transported into nine several families, with the utter extirpation of those that had possessed it. On the other hand, there never was any sedition against the Spartan kings; and after the moderate discipline, according to which they lived, was established, none of them died by the hands of their subjects, except only two, who were put to death in a way of justice: the kingdom continued in the same races, till Cleomenes was defeated by Antigonus, and the government overthrown by the insolence of the Macedonians. This gave occasion to those bestial tyrants,

* More Nevochim. † Ibid.

Nabis and Machanidas, to set up such a government as our author recommends to the world, which immediately brought destruction upon themselves, and the whole city. The Germans, who pretended to be descended from the Spartans, had the like government. Their princes, according to their merit, had the credit of persuading, not the power of commanding;* and the question was not, what part of the government their kings would allow to the nobility and people, but what they would give to their kings; and it is not much material to our present dispute, whether they learnt this from some obscure knowledge of the law which God gave to his people, or whether, led by the light of reason, which is also from God, they discovered what was altogether conformable to that law. Whoever understands the affairs of Germany, knows that the present emperors, notwithstanding their haughty title, have a power limited, as in the days of Tacitus. If they are good and wise, they may persuade; but they can command no farther than the law allows. They do not admit the princes, noblemen, and cities, to the power which they all exercise in their general diets, and each of them within their own precincts; but they exercise that which has been by public consent bestowed upon them. All the kingdoms peopled from the north observed the same rules. In all of them the powers were divided between the kings, the nobility, clergy, and commons; and by the decrees of councils, diets, parliaments, cortez, and assemblies

* Tacit. de morib. Germ.

of estates, authority and liberty were so balanced, that such princes as assumed to themselves more than the law did permit, were severely punished; and those who did by force or fraud invade thrones, were by force thrown down from them.

This was equally beneficial to kings and people. The powers, as Theopompus king of Sparta said, were most safe, when they were least envied and hated. Lewis the Eleventh of France was one of the first that broke this golden chain; and, by more subtil arts than had been formerly known, subverted the laws, by which the fury of those kings had been restrained, and taught others to do the like; though all of them have not so well saved themselves from punishment. James the Third of Scotland was one of his most apt scholars; and Buchanan,* in his life, says, "that he was precipitated into all manner of infamy by men of the most abject condition; that the corruption of those times, and the ill example of neighbouring princes, were considerable motives to pervert him: for Edward the Fourth of England, Charles of Burgundy, Lewis the Eleventh of France, and John the Second of Portugal, had already laid the foundations of tyranny in those coun-

* Ab hominibus infimæ sortis in omnia simul vitia est præceps datus: tempora etiam corrupta, & vicinorum regum exempla, non parum ad eum evertendum juverunt: nam & Edvardus in Anglia, Carolus in Burgundia, Ludovicus undecimus in Gallia, Joannes Secundus in Lusitania, tyranidis fundamenta jecerunt: Richardus Tertius in Anglia eam immanissime exercuit. Hist. Scot. l. 12.

tries; and Richard the Third was then most cruelly exercising the same in the kingdom of England."

This could not have been, if all the power had always been in kings, and neither the people, nor the nobility, had ever had any; for no man can be said to gain that which he, and his predecessors, always possessed, or to take from others that which they never had; nor to set up any sort of government, if it had been always the same. But the aforesaid Lewis the Eleventh did assume to himself a power above that of his predecessors; and Philip de Commines shews the ways by which he acquired it, with the miserable effects of his acquisition, both to himself and to his people; modern authors observe, that the change was made by him; and for that reason he is said by Mezeray, and others, "to have brought those things out of guardianship:"* they were not therefore so, till he did emancipate them. Nevertheless, this emancipation had no resemblance to the unlimited power, of which our author dreams. The general assemblies of estates were often held long after his death, and continued in the exercise of the sovereign power of the nation. Davila,† speaking of the general assembly held at Orleans in the time of Francis the Second, asserts the whole power of the nation to have been in them. Monsieur du Thou‡ says the same thing, and adds, that the king dying suddenly, the assembly continued, even

* D'avoir mis les rois hors de page.

† Hist. de la guerre Civ. ‡ Thuan. hist. l. i.

at the desire of the council, in the exercise of that power, till they had settled the regency, and other affairs of the highest importance, according to their own judgment. Hottoman,* a lawyer of that time and nation, famous for his learning, judgment, and integrity, having diligently examined the ancient laws and histories of that kingdom, distinctly proves, that the French nation never had any kings, but of their own chusing; that their kings had no power except what was conferred upon them; and that they had been removed, when they excessively abused, or rendered themselves unworthy of, that trust. This is sufficiently clear by the forecited examples of Pharamond's grand-children, and the degenerated races of Meroveus and Pepin; of which many were deposed, some of the nearest in blood excluded; and, when their vices seemed to be incorrigible, they were wholly rejected. All this was done by virtue of that rule, which they call the salic law: and though some of our princes, pretending to the inheritance of that crown by marrying the heirs general, denied that there was any such thing, no man can say, that, for the space of above twelve hundred years, females, or their descendants, who are by that law excluded, have ever been thought to have any right to the crown: and no law, unless it be explicitly given by our God, can be of greater authority than one which has been in force for so many ages. What the beginning of it was is not known: but Charles the Sixth receding from this law, and thinking to

* Hottom. Franco-Gallia.

dispose of the succession otherwise than was ordained by it, was esteemed mad, and all his acts rescinded. And though the reputation, strength, and valour of the English, commanded by Henry the Fifth, one of the bravest princes that has ever been in the world, was terrible to the French nation, yet they opposed him to the utmost of their power, rather than suffer that law to be broken. And though our success under his conduct was great and admirable; yet soon after his death, with the expence of much blood and treasure, we lost all that we had on that side, and suffered the penalty of having unadvisedly entered into that quarrel. By virtue of the same law, the agreement made by king John, when he was prisoner at London, by which he had alienated part of that dominion, as well as that of Francis the First, concluded when he was under the same circumstances at Madrid, were reputed null; and upon all occasions that nation has given sufficient testimony, that the laws by which they live are their own, made by themselves, and not imposed upon them. And it is impossible for them, who made and deposed kings, exalted or depressed reigning families, and prescribed rules to the succession, to have received from their own creatures the power, or part of the government they had, as for a man to be begotten by his own son. Nay, though their constitutions were much changed by Lewis the Eleventh, yet they retained so much of their ancient liberty, that in the last age, when the house of Valois was as much depraved as those of Meroveus and Pepin had been,

and Henry the Third by his own lewdness, hypocrisy, cruelty, and impurity, together with the baseness of his minions and favourites, had rendered himself odious and contemptible to the nobility and people; the great cities, parliaments, the greater, and (in political matters) the sounder part of the nation, declared him to be fallen from the crown, and pursued him to the death, though the blow was given by the hand of a base and half distracted monk.

Henry of Bourbon was, without controversy, the next heir; but neither the nobility nor the people, who thought themselves in the government, would admit him to the crown, till he had given them satisfaction, that he would govern according to their laws, by abjuring his religion, which they judged inconsistent with them.

The latter commotions in Paris, Bourdeaux, and other places, together with the wars for religion, shew, that though the French do not complain of every grievance, and cannot always agree in the defence and vindication of their violated liberties, yet they very well understand their rights; and that, as they do not live by or for the king, but he reigns by and for them; so their privileges are not from him, but that his crown is from them; and that, according to the rule of their government, he can do nothing against their laws, or if he do, they may oppose him.

The institution of a kingdom is the act of a free nation; and whoever denies them to be free, denies

that there can be any thing of right in what they set up. That which was true in the beginning is so now, and must be so for ever. This is so far acknowledged by the highest monarchs, that in a treatise published in the year 1667, by authority of the present king of France, to justify his pretensions to some part of the Low Countries, notwithstanding all the acts of himself, and the king of Spain to extinguish them, it is said, "That kings* are under the happy inability to do any thing against the laws of their country." And though perhaps he may do things contrary to law, yet he grounds his power upon the law; and the most able and most trusted of his ministers declare the same. About the year 1660, the count d'Abijoux, a man of eminent quality in Languedoc, but averse to the court, and hated by cardinal Mazurin, had been tried by the Parliament of Tholouse for a duel, in which a gentleman was killed; and it appearing to the court (then in that city) that he had been acquitted upon forged letters of grace, false witnesses, powerful friends, and other undue means, Mazurin desired to bring him to a new trial: but the chancellor Seguir told the queen-mother it could not be; for the law did not permit a man once acquitted to be again questioned for the same fact; and that if the course of the law were interrupted, neither the salique law, nor the succession of her children, or any thing else, could be secure in France.

* Que les roys ont cette bienheureuse impuissance de ne pouvoir rien saire contre les loix de leur pays. Traté des droits de la reyne.

This is farther proved by the histories of that nation. The kings of Meroveus' and Pepin's races were suffered to divide the kingdom amongst their sons; or, as, Hotoman* says, the estates made the division, and allotted to each such a part as they thought fit. But when this way was found to be prejudicial to the public, an act of state was made in the time of Hugh Capet, by which it was ordained, that for the future the kingdom should not be dismembered; which constitution continuing in force to this day, the sons or brothers of their kings receive such an apannage (they call it) as is bestowed on them, remaining subject to the crown as well as other men. And there has been no king of France since that time (except only Charles the Sixth) who has not acknowledged, that he cannot alienate any part of their dominion.

Whoever imputes the acknowledgment of this to king-craft, and says, that they who avow this, when it is for their advantage, will deny it on a different occasion, is of all men their most dangerous enemy. In laying such fraud to their charge he destroys the veneration by which they subsist, and teaches subjects not to keep faith with those, who by the most malicious deceits shew that they are tied by none. Human societies are maintained by mutual contracts which are of no value if they are not observed. Laws are made, and magistrates created, to cause them to be performed in public and private matters,

* Hotom. Fran. Gall.

and to punish those who violate them. But none will ever be observed, if he who receives the greatest benefit by them, and is set up to oversee others, gives the example to those who of themselves are too much inclined to break them. The first step that Pompey* made to his own ruin was, by violating the laws he himself had proposed. But it would be much worse for kings to break those that are established by the authority of a whole people, and confirmed by the succession of many ages.

I am far from laying any such blemishes on them, or thinking that they deserve them. I must believe the French king speaks sincerely, when he says, he can do nothing against the laws of his country: and that our king James did the like, when he acknowledged himself to be the servant of the commonwealth; and the rather because it is true, and that he is placed in the throne to that end. Nothing is more essential and fundamental in the constitutions of kingdoms, than that diets, parliaments, and assemblies of estates, should see this performed. It is not the king that gives them a right to judge of matters of war or peace, to grant supplies of men and money, or to deny them; and to make or abrogate laws at their pleasure: all the powers rightly belonging to kings, or to them, proceed from the same root. The northern nations seeing what mischiefs were generally brought upon the eastern, by referring too much to the irregular will of a man; and what those who

* Suarum legum lator & eversor. TACIT.

were more generous had suffered, when one man by the force of a corrupt, mercenary soldiery, had overthrown the laws by which they lived, feared they might fall into the same misery; and therefore retained the greater part of the power to be exercised by their general assemblies, or by delegates, when they grew so numerous that they could not meet. These are the kingdoms of which Grotius speaks, "where the king has his part, and the senate or people their part of the supreme authority;"* and where the law prescribes such limits, "that if the king attempt to seize that part which is not his, he may justly be opposed:"† which is as much as to say, that the law upholds the power it gives, and turns against those who abuse it.

This doctrine may be displeasing to court-parasites; but no less profitable to such kings as follow better counsels, than to the nations that live under them: the wisdom and virtue of the best is always fortified by the concurrence of those who are placed in part of the power; they always do what they will, when they will nothing but that which is good; and it is a happy impotence in those, who through ignorance or malice desire to do evil, not to be able to effect it. The weakness of such as by defects of nature, sex, age, or education, are not able of themselves to bear the weight of a kingdom, is thereby supported, and they, together with the people under them, preserved from ruin; the furious rashness of

* De jur. bel. & pac. l. ii. † Ibid.

the insolent is restrained; the extravagance of those who are naturally lewd, is awed; and the bestial madness of the most violently wicked and outrageous, suppressed. When the law provides for these matters, and prescribes ways by which they may be accomplished, every man who receives or fears an injury, seeks a remedy in a legal way, and vents his passions in such a manner, as brings no prejudice to the commonwealth: if his complaints against a king may be heard, and redressed by courts of justice, parliaments, and diets, as well as against private men, he is satisfied, and looks no farther for a remedy. But if kings, like those of Israel, will neither judge nor be judged, and there be no power orderly to redress private or public injuries, every man has recourse to force, as if he lived in a wood, where there is no law; and that force is always mortal to those who provoke it: no guards can preserve a hated prince from the vengeance of one resolute hand; and they as often fall by the swords of their own guards as of others: wrongs will be done, and when they that do them cannot or will not be judged publicly, the injured persons become judges in their own case, and executioners of their own sentence. If this be dangerous in matters of private concernment, it is much more so in those relating to the public. The lewd extravagancies of Edward and Richard the Seconds, whilst they acknowledged the power of the law, were gently reproved and restrained with the removal of some profligate favourites; but, when they would admit of no other law than their own will, no relief could be had but by their deposition.

The lawful Spartan kings, who were obedient to the laws of their country, lived in safety, and died with glory: whereas it was a strange thing to see a lawless tyrant die without such infamy and misery as held a just proportion with the wickedness of his life: they did, as Plutarch* says of Dionysius, many mischiefs, and suffered more. This is confirmed by the examples of the kingdom of Israel, and of the empires of Rome and Greece; they who would submit to no law, were destroyed without any. I know not whether they thought themselves to be gods, as our author says they were; but I am sure the most part of them died like dogs, and had the burial of asses rather than of men.

This is the happiness to which our author would promote them all. "If a king admits a people to be his companions, he ceaseth to be a king, and the state becomes a democracy." And a little farther, "If in such assemblies, the king, nobility, and people, have equal shares in the sovereignty, then the king hath but one voice, the nobility likewise one, and the people one; and then any two of these voices should have power to over-rule the third: thus the nobility and commons should have a power to make a law to bridle the king, which was never seen in any kingdom." We have heard of nations, that admitted a man to reign over them (that is, made him king) but of no man that made a people. The Hebrews made Saul, David, Jeroboam, and other kings:

* Vit. Timoleon.

when they returned from captivity, they conferred the same title upon the Asmonean race, as a reward of their valour and virtue: the Romans chose Romulus, Numa, Hostilius, and others, to be their kings; the Spartans instituted two, one of the Heraclidæ, the other of the Æacidæ. Other nations set up one, a few, or more magistrates, to govern them: and all the world agrees, that "*qui de esse, dat modum esse;*" he that makes him to be, makes him to be what he is: and nothing can be more absurd than to say, that he who has nothing but what is given, can have more than is given to him. If Saul and Romulus had no other title to be kings, than what the people conferred upon them, they could be no otherwise kings than as pleased the people: they therefore did not admit the people to be partakers of the government; but the people, who had all in themselves, and could not have made a king if they had not had it, bestowed upon him what they thought fit, and retained the rest in themselves. If this were not so, then, instead of saying to the multitude, "Will ye have this man to reign?" they ought to say to the man, "Wilt thou have this multitude to be a people?" And whereas the nobles of Arragon used to say to their new-made king, "We, who are as good as you, make you our king, on condition you keep and maintain our rights and liberties, and if not, not;" he should have said to them, I, who am better than you, make you to be a people, and will govern you as I please. But I doubt whether he would have succeeded, till that kingdom was joined

to others of far greater strength, from whence a power might be drawn to force them out of their usual method.

That which has been said of the governments of England, France, and other countries, shews them to be of the same nature; and if they do not deserve the name of kingdoms, and that their princes will by our author's arguments be persuaded to leave them, those nations perhaps will be so humble as to content themselves without that magnificent title, rather than resign their own liberties to purchase it: and, if this will not please him, he may seek his glorious sovereign monarchy among the wild Arabs, or in the island of Ceylon; for it will not be found among civilized nations.

However, more ignorance cannot be expressed, than by giving the name of democracy to those governments that are composed of the three simple species, as we have proved that all the good ones have ever been: for in a strict sense it can only suit with those, where the people retain to themselves the administration of the supreme power; and more largely, when the popular part, as in Athens, greatly over-balances the other two, and that the denomination is taken from the prevailing part. But our author, if I mistake not, is the first that ever took the ancient governments of Israel, Sparta, and Rome, or those of England, France, Germany, and Spain, to be democracies, only because every one of them had senates and assemblies of the people, who in

their persons, or by their deputies, did join with their chief magistrates in the exercise of the supreme power. That of Israel, to the time of Saul, is called by Josephus an aristocracy. The same name is given to that of Sparta by all the Greek authors; and the great contest in the Peloponnesian war was between the two kinds of government; the cities that were governed aristocratically, or desired to be so, following the Lacedemonians; and such as delighted in democracy taking part with the Athenians. In like manner Rome, England, and France, were said to be under monarchies; not that their kings might do what they pleased, but because one man had a pre-eminence above any other. Yet if the Romans could take Romulus, the son of a man that was never known, Numa a Sabine, Hostillius and Ancus Martius, private men, and Tarquinus Priscus the son of a banished Corinthian, who had no title to a preference before others till it was bestowed upon them; it is ridiculous to think, that they who gave them what they had, could not set what limits they pleased to their own gift.

But, says our author, "The nobility will then have one voice, and the people another; and they joining may over-rule the third; which was never seen in any kingdom." This may perhaps be one way of regulating the monarchical power; but it is not necessary, nor the only one: there may be a senate, though the people be excluded; that senate may be composed of men chosen for their virtue, as well as for the nobility of their birth: the govern-

ment may consist of king and people without a senate; or the senate may be composed only of the people's delegates. But, if I should grant his assertion to be true, the reasonableness of such a constitution cannot be destroyed by the consequences he endeavours to draw from it; for he who would instruct the world in matters of state, must shew what is, or ought to be, not what he fancies may thereupon ensue. Besides, it does not follow, that where there are three equal votes, laws should be always made by the plurality; for the consent of all the three is in many places required; and it is certain, that in England, and other parts, the king and one of the estates cannot make a law without the concurrence of the other. But, to please Filmer, I will avow, that where the nobles and commons have an equal vote, they may join and over-rule or limit the power of the king: and I leave any reasonable man to judge, whether it be more safe and fit, that those two estates, comprehending the whole body of the nation in their persons, or by representation, should have a right to over-rule or limit the power of that man, woman, or child, who sits in the throne; or that he or she, young or old, wise or foolish, good or bad, should over-rule them, and by their vices, weakness, folly, impertinence, incapacity, or malice, put a stop to their proceedings; and whether the chief concernments of a nation may more safely and prudently be made to depend upon the votes of so many eminent persons, amongst whom many wise and good men will always be found, if there be any in the nation, and who in all respects have the same interests with

them; or upon the will of one, who may be, and often is, as vile, ignorant, and wretched, as the meanest slave; and either has, or is for the most part made to believe he has, an interest so contrary to them, that their suppression is his advancement. Common sense so naturally leads us to the decision of this question, that I should not think it possible for mankind to have mistaken, though we had no examples of it in history: and it is in vain to say, that all princes are not such as I represent; for if a right were annexed to the being of a prince, and that his single judgment should over-balance that of a whole nation, it must belong to him as a prince, and be enjoyed by the worst and basest, as well as by the wisest and best, which would inevitably draw on the absurdities above-mentioned: but that many are, and have been such, no man can deny, or reasonably hope that they will not often prove to be such, as long as any preference is granted to those who have nothing to recommend them but the families from whence they derive; a continual succession of those who excel in virtue, wisdom, and experience, being promised to none, nor reasonably to be expected from any. Such a right therefore cannot be claimed by all; and if not by all, then not by any, unless it proceed from a particular grant in consideration of personal virtue, ability, and integrity, which must be proved: and when any one goes about to do it, I will either acknowledge him to be in the right, or give the reasons of my denial.

However, this is nothing to the general proposition: nay, if a man were to be found, who had more of the

qualities required for making a right judgment in matters of the greatest importance, than a whole nation, or an assembly of the best men chosen out of it (which I have never heard to have been, unless in the persons of Moses, Joshua, or Samuel, who had the Spirit of God for their guide) it would be nothing to our purpose; for even he might be biassed by his personal interests, which governments are not established principally to promote.

I may go a step farther, and truly say, that as such vast powers cannot be generally granted to all who happen to succeed in any families, without evident danger of utter destruction, when they come to be executed by children, women, fools, vicious, incapable, or wicked persons, they can be reasonably granted to none, because no man knows what any one will prove till he be tried; and the importance of the affair requires such a trial as can be made of no man till he be dead. He that resists one temptation may fall under the power of another; and nothing is more common in the world, than to see those men fail grossly in the last actions of their lives, who had passed their former days without reproach; wise and good men will, with Moses, say of themselves, "I cannot bear the burden:" and every man who is concerned for the public good, ought to let fools know they are not fit to undergo it, and by law to restrain the fury of such as will not be guided by reason. This could not be denied, though governments were constituted for the good of the governor. It is good for him that the law appoints helps for his infirmities, and restrains his vices: but all nations

ought to do it though it were not so, inasmuch as kingdoms are not established for the good of one man, but of the people; and that king who seeks his own good before that of the people, departs from the end of his institution.

This is so plain, that all nations who have acted freely, some way or other endeavoured to supply the defects or restrain the vices of their supreme magistrates; and those among them deserve most praise, who, by appointing means adequate to so great a work, have taken care that it might be easily and safely accomplished: such nations have always flourished in virtue, power, glory, and happiness, whilst those who wanted their wisdom, have suffered all manner of calamities by the weakness and injustice of their princes, or have had their hands perpetually in blood to preserve themselves from their fury. We need no better example of the first, than that of the Spartans, who, by appointing such limits to the power of their kings as could hardly be transgressed, continued many ages in great union with them, and were never troubled with civil tumults. The like may be said of the Romans, from the expulsion of the Tarquins till they overthrew their own orders, by continuing Marius for five years in the consulate, whereas the laws did not permit a man to hold the same office two years together; and when that rule was broken, their own magistrates grew too strong for them, and subverted the commonwealth. When this was done, and the power came to be in the hands of one man, all manner of evils and calamities

broke in like a flood: it is hard to judge, whether the mischiefs he did, or those he suffered, were the greater; he who set up himself to be lord of the world, was like to a beast crowned for the slaughter, and his greatness was the forerunner of his ruin. By this means some of those who seem not to have been naturally prone to evil, were by their fears put upon such courses to preserve themselves, as being rightly estimated, were worse than the death they apprehended: and the so much celebrated Constantine the Great died no less polluted with the blood of his nearest relations and friends, than Nero himself.* But no place can shew a more lively picture of this, than the kingdoms of Grenada, and others possessed by the Moors in Spain; where, there being neither senate nor assemblies of the nobility and people to restrain the violence and fury of their kings, they had no other way than to kill them when their vices became insupportable; which happening for the most part, they were almost all murdered; and things were brought to such extremity, that no man would accept a crown, except he who had neither birth nor virtue to deserve it.

If it be said, that kings have now found out more easy ways of doing what they please, and securing themselves; I answer, that they have not proved so to them all, it is not yet time for such as tread in the same steps to boast of their success: many have fallen when they thought their designs accomplished;

* Hist. de Espan. de Mariana.

and no man, as long as he lives, can reasonably assure himself the like shall not befall him. But if in this corrupted age, the treachery and perjury of princes be more common than formerly; and the number of those who are brought to delight in the rewards of injustice, be so increased, that their parties are stronger than formerly: this rather shews, that the balance of power is broken, or hard to be kept up, than that there ought to be none; and it is difficult for any man, without the spirit of prophecy, to tell what this will produce. Whilst the ancient constitutions of our northern kingdoms remained intire, such as contested with their princes sought only to reform the governments, and by redressing what was amiss, to reduce them to their first principles; but they may not perhaps be so modest, when they see the very nature of their government changed, and the foundations overthrown. I am not sure that they who were well pleased with a moderate monarchy, will submit to one that is absolute; and it is not improbable, that when men see there is no medium between tyranny and popularity, they who would have been contented with the reformation of their government, may proceed farther, and have recourse to force, when there is no help in the law. This will be a hard work in those places where virtue is wholly abolished; but the difficulty will lie on the other side, if any sparks of that remain: if vice and corruption prevail, liberty cannot subsist; but if virtue have the advantage, arbitrary power cannot be established. Those who boast of their loyalty, and think they

give testimonies of it, when they addict themselves to the will of one man, though contrary to the law from whence that quality is derived, may consider, that by putting their masters upon illegal courses they certainly make them the worst of men, and bring them into danger of being also the most miserable. Few or no good princes have fallen into disasters, unless through an extremity of corruption introduced by the most wicked; and cannot properly be called unhappy, if they perished in their innocence; since the bitterness of death is assuaged by the tears of a loving people, the assurance of a glorious memory, and the quiet of a well satisfied mind. But of those who have abandoned themselves to all manner of vice, followed the impulse of their own fury, and set themselves to destroy the best men for opposing their pernicious designs, very few have died in peace. Their lives have been miserable, death infamous, and memory detestable.

They, therefore, who place kings within the power of the law, and the law to be a guide to kings, equally provide for the good of the king and people. Whereas they who admit of no participants in power, and acknowledge no rule but their own will, set up an interest in themselves against that of their people, lose their affections, which is their most important treasure, and incur their hatred, from whence results their greatest danger.

SECTION XXXI.

THE LIBERTIES OF NATIONS ARE FROM GOD AND NATURE, NOT FROM KINGS.

WHATSOEVER is usually said in opposition to this, seems to proceed from a groundless conceit, that the liberties enjoyed by nations arise from the concessions of princes. This point has been already treated: but being the foundation of the doctrine I oppose, it may not be amiss farther to examine how it can be possible for one man, born under the same condition with the rest of mankind, to have a right in himself that is not common to all others, till it be by them, or a certain number of them, conferred upon him; or how he can, without the utmost absurdity, be said to grant liberties and privileges to them who made him to be what he is.

If I had to do with a man that sought after truth, I should think he had been led into this extravagant opinion by the terms ordinarily used in patents and charters granted to particular men; and not distinguishing between the proprietor and the dispenser, might think kings had given as their own, that which they only distribute out of the public treasury, and could have had nothing to distribute by parcels, if it had not been given to them in gross by the public. But I need not use our author so gently. The perversity of his judgment, and obstinate hatred to

truth, are sufficient to draw him into the most absurd errors without any other inducement; and it were not charity, but folly, to think he could have attributed in general to all princes, without any regard to the ways by which they attain to their power, such an authority as never justly belonged to any.

This will be evident to all those who consider, that no man can confer upon others that which he has not in himself; if he be originally no more than they, he cannot grant to them, or any of them, more than they to him. In the 7th, 8th, 9th, and subsequent sections of the first chapter, it has been proved, that there is no resemblance between the paternal right, and the absolute power, which he asserts in kings: that the right of a father, whatever it be, is only over his children: that this right is equally inherited by them all when he dies: that every one cannot inherit dominion; for the right of one would be inconsistent with that of all others: that the right which is common to all is that which we call liberty, or exemption from dominion: that the first fathers of mankind after the flood had not the exercise of regal power: and whatsoever they had was equally devolved to every one of their sons, as appears by the examples of Noah, Shem, Abraham, Isaac, Jacob, and their children: that the erection of Nimrod's kingdom was directly contrary to, and inconsistent with, the paternal right, if there was any regality in it; that the other kingdoms of that time were of the same nature: that Nimrod, not exceeding the age of threeseore years when he built Babel, could not be

the father of those that assisted him in that attempt: that if the seventy-two kings, who, as our author says, went from Babylon upon the confusion of languages, were not the sons of Nimrod, he could not govern them by the right of a father; if they were, they must have been very young, and could not have children of their own to people the kingdoms they set up: that whose children soever they were, who out of a part of mankind did, within a hundred and thirty-two years after the flood, divide into so many kingdoms, they shewed that others in process of time might subdivide into as many as they pleased; and kingdoms multiplying in the space of four thousand years since the seventy-two, in the same proportion they did in one hundred and thirty-two years into seventy-two, there would now be as many kings in the world as there are men; that is, no man could be subject to another: that this equality of right, and exemption from the domination of any other is called liberty: that he, who enjoys it, cannot be deprived of it, unless by his own consent, or by force: that no one man can force a multitude; or, if he did, it could confer no right upon him: that a multitude, consenting to be governed by one man, doth confer upon him the power of governing them; the powers therefore that he has, are from them; and they who have all in themselves can receive nothing from him, who has no more than every one of them, till they do invest him with it. This is proved by sacred and profane histories. The Hebrews in the creation of judges, kings, or other magistrates, had no regard to paternity, or to any who by extraction could in the

least pretend to the right of fathers: God did never direct them to do it, nor reprove them for neglecting it: if they would chuse a king, he commanded them to take one of their brethren, not one who called himself their father: when they did resolve to have one, he commanded them to chuse him by lot, and caused the lot to fall upon a young man of the youngest tribe: David, and the other kings of Israel or Judah, had no more to say for themselves in that point than Saul: all the kings of that nation before and after the captivity, ordinarily or extraordinarily set up, justly or unjustly, were raised without any regard to any prerogative they could claim or arrogate to themselves on that account. All that they had, therefore, was from their elevation, and their elevation from those that elevated them. It was impossible for them to confer any thing upon those from whom they received all they had; or for the people to give power to kings, if they had not had it in themselves; which power, universally residing in every one, is that which we call liberty. The method of other nations was much like to this. They placed those in the throne who seemed best to deserve so great an honour, and most able to bear so great a burden: the kingdoms of the heroes were nothing else, but the government of those who were most beneficent to the nations amongst whom they lived, and whose virtues were thought fit to be raised above the ordinary level of the world. Though perhaps there was not any one Athenian or Roman equal to Theseus or Romulus in courage and strength, yet they were not able to subdue many: or if any man should be so vain to think,

that each of them did at first subdue one man, then two, and so proceeding by degrees conquered a whole people, he cannot without madness ascribe the same to Numa, who, being sent for from a foreign country, was immediately made king of a fierce people, that had already conquered many of their neighbours, and was grown too boisterous even for Romulus himself. The like may be said of the first Tarquin, and of Servius; they were strangers: and though Tullus Hostilius and Ancus Martius were Romans, they had as little title to a dominion over their fellow-citizens, or means of attaining to it, as if they had come from the farthest parts of the earth. This must be in all places, unless one man could prove, by a perfect and uninterrupted genealogy, that he is the eldest son of the eldest line of Noah, and that line to have continued perpetually in the government of the world: for if the power has been divided, it may be subdivided into infinity; if interrupted, the chain is broken, and can never be made whole. But if our author can perform this for the service of any man, I willingly surrender my arms, and yield up the cause I defend. If he fail, it is ridiculous to pretend a right that belongs to no man, or to go about to retrieve a right, which for the space of four thousand years has lain dormant; and much more to create that which never had a subsistence. This leads us necessarily to a conclusion, that all kingdoms are at the first erected by the consent of nations, and given to whom they please; or else all are set up by force, or some by force, and some by consent: if any are set up by the consent of nations, those kings do not confer liberties

upon those nations, but receive all from them, and the general proposition is false. If our author, therefore, or his followers, would confute me, they must prove, that all the kingdoms of the world have their beginning from force, and that force doth always create a right; or, if they recede from the general proposition, and attribute a peculiar right to one or more princes, who are so absolute lords of their people, that those under them have neither liberty, privilege, property, or part, in the government, but by their concessions, they must prove, that those princes did by force gain the power they have, and that their right is derived from it. This force also must have been perpetually continued; for if that force be the root of the right that is pretended, another force, by the same rule, may overturn, extinguish, or transfer it to another hand. If contracts have intervened, the force ceases; and the right that afterwards doth accrue to the persons, must proceed from, and be regulated according to, those contracts.

This may be sufficient to my purpose: for as it has been already proved, that the kingdoms of Israel, Judah, Rome, Sparta, France, Spain, England, and all that we are concerned in, or that deserve to be examples to us, did arise from the consent of the respective nations, and were frequently reduced to their first principles, when the princes have endeavoured to transgress the laws of their institution; it could be nothing to us, though Attila or Tamerlane had by force gained the dominions they possessed. But I dare go a step further, and boldly assert, that

there never was, nor can be, a man in the world, that did or can subdue a nation; and that the right of one grounded upon force is a mere whimsy. It was not Agathocles, Dionysius, Nabis, Marius, Sylla, or Cæsar, but the mercenary soldiers, and other villains that joined with them, who subdued the Syracusans, Spartans, or Romans: and as the work was not performed by those tyrants alone, if a right had been gained by the violence they used, it must have been common to all those that gained it; and he that commanded them could have had no more than they thought fit to confer upon him. When Miltiades desired leave to wear an olive garland, in commemoration of the victory obtained at Marathon, an Athenian did in my opinion rightly say, "If you alone did fight against the Persians, it is just that you only should be crowned; but if others did participate in the victory, they ought also to have a part in the honour."* And the principal difference that I have observed between the most regular proceedings of the wisest senates or assemblies of the people in their persons or delegates, and the fury of the most dissolute villains, has been, that the first, seeking the public good, do usually set up such a man, and invest him with such powers as seem most conducing to that good: whereas the others, following the impulse of a bestial rage, and aiming at nothing but the satisfaction of their own lusts, always advance one from whom they expect the greatest advantages to themselves, and give him such powers as most conduce

* Plut. in vit. Cim.

to the accomplishment of their own ends: but as to the person it is the same thing. Cæsar and Nero did no more make themselves what they were, than Numa; and could no more confer any right, liberty, or privilege, upon the army, that gave them all they had, than the most regular magistrate can upon the senate or people that chose him.

This also is common to the worst as well as the best, that they who set up either, do, as into a public treasury, confer upon the person they chuse, a power of distributing to particular men, or numbers of men, such honours, privileges, and advantages, as they may seem, according to the principles of the government, to deserve. But there is this difference, that the ends of the one being good, and those of the other evil, the first do, for the most part, limit the powers, that something may remain to reward services done to the public, in a manner proportioned to the merit of every one, placing other magistrates to see it really performed, so as they may not, by the weakness or vices of the governor, be turned to the public detriment: the others think they never give enough; that the prince, having all in his power, may be able to gratify the most exorbitant desires, if by any ways they can get his favour; and his infirmities and vices being most beneficial to them, they seldom allow to any other magistrate a power of opposing his will, or suffer those who for the public good would assume it. The world affords many examples of both sorts, and every one of them have had their progress suitable to their constitution. The

regular kingdoms of England, France, Spain, Poland, Bohemia, Denmark, Sweden, and others, whether elective or hereditary, have had high stewards, constables, mayors of the palace, rixhofmeisters, parliaments, diets, assemblies of estates, cortez, and the like, by which those have been admitted to succeed, who seemed most fit for the public service; the unworthy have been rejected; the infirmities of the weak supplied; the malice of the unjust restrained; and when necessity required, the crown transferred from one line or family to another. But in the furious tyrannies that have been set up by the violence of a corrupted soldiery, as in the ancient Roman empire, the kingdoms of the Moors and Arabians, the tyrannies of Ezzelino of Padoa, those of Visconti and Sforezeschi of Milan, Castruccio Castracani of Lucca, Cæsar Borgia, and others, there was nothing of all this. The will of the prince was a law; all power was in him, and he kept it, till another stept up and took it from him, by the same means that he had gained it. This fell out so frequently, that though all the Roman emperors endeavoured to make their power hereditary, it hardly continued three generations in one line from Agustus to Augustulus, unless in that of Constantine, and that with extreme confusion and disorder. They who had madly set up a man to be their head, and exposed so much of the world as was under their power, to be destroyed by him, did by the like fury throw him down, and never ceased till they had brought the empire to utter ruin.

But if this paternal sovereignty be a mere fiction, that never had any effect; and no nation was ever commanded by God to make it their rule, nor any reproved for the neglect of it; none ever learnt it from the light of nature, nor were by wise men taught to regard it: the first fathers claimed no privilege from it when every man's genealogy was known: and if there were such a thing in nature, it could be of no use at this day, when the several races of men are so confused, that not one in the world can prove his own original; and that the first kingdoms, whether well or ill constituted, according to the command of God, or the inventions of men, were contrary to, and incompatible with, it; and there can have been no justice in any, if such a rule was to have been observed; the continuance of an unjust usurpation can never have created a right, but aggravated the injustice of overthrowing it: no man could ever by his own strength and courage subdue a multitude, nor gain any other right over them, if he did, than they might have to tear it from him: whoever denies kingdoms, and other magistracies, to have been set up by men, according to their own will, and from an opinion of receiving benefit by them, accuses all the governments that are, or ever have been, in the world, of that outrageous injustice in their foundation, which can never be repaired. If there be, therefore, or ever was, any just government amongst them, it was constituted by them; and whether their proceedings were regular or violent, just or unjust, the powers annexed to it were their donation: the magistracies erected by

them, whether in one or more men, temporary or perpetual, elective or hereditary, were their creatures; and, receiving all from them, could confer nothing upon them.

SECTION XXXII.

THE CONTRACTS MADE BETWEEN MAGISTRATES, AND THE NATIONS THAT CREATED THEM, WERE REAL, SOLEMN, AND OBLIGATORY.

Our author, having with big words, and little sense, inveighed against popular and mixed governments, proceeds as if he had proved they could not, or ought not to be. "If it be," says he, "unnatural for the multitude to chuse their governors, or to govern, or to partake in the government; what can be thought of that damnable conclusion which is made by too many, that the multitude may correct or depose their princes, if need be? Surely the unnaturalness and injustice of this position cannot sufficiently be expressed. For admit that a king make a contract or paction with his people originally in his ancestors, or personally at his coronation (for both these pactions some dream of, but cannot offer any proof of either); yet by no law of any nation can a contract be thought broken, except first a lawful trial be had by the ordinary judge of the breakers thereof; or else, every man may be both party and judge

in his own case, which is absurd once to be thought; for then it will lie in the hands of the headless multitude, when they please, to cast off the yoke of government that God hath laid upon them, and to judge and punish him, by whom they should be judged and punished themselves." To this I first answer briefly, That if it be natural for the multitude to chuse their governors, or to govern, or to participate of the government, as best pleases themselves; or that there never was a government in the world that was not so set up by them, in pursuance of the power naturally inherent in themselves; what can be thought of that damnable conclusion which has been made by fools or knaves, that the multitude may not, if need be, correct or depose their own magistrates? Surely the unnaturalness and injustice of such a position cannot be sufficiently expressed. If that were admitted, all the most solemn pacts and contracts made between nations and their magistrates, originally or personally, and confirmed by laws and mutual oaths, would be of no value. He that would break the most sacred bonds that can be amongst men, should by perjury and wickedness become judge of his own case, and by the worst of crimes procure impunity for all. It would be in his power by folly, wickedness, and madness, to destroy the multitude, which he was created and sworn to preserve, though wise, virtuous, and just, and headed by the wisest and justest of men; or to lay a yoke upon those who by the laws of God and nature ought to be free: he might in his own case judge that body by which he ought to be judged; and who, in con-

sideration of themselves, and their own good, made him to be whatsoever he is more than every one of them: the governments instituted for the preservation of nations would turn to their destruction: it would be impossible to check the fury of a corrupt and perfidious magistrate: the worst of men would be raised to a height, that was never deserved by the best; and the assurance of indemnity would, by increasing their insolence, turn their other vices into madness, as has been too often seen in those who have had more power than they deserved, and were more hardly brought to account for their actions than ought to have been; though I never heard of any who had so much as our author asserts to be in all, nor that any was absolutely assured he should not be questioned for the abuse of what he had.

Besides, if every people may govern, or constitute and chuse one or more governors, they may divide the powers between several men, or ranks of men, allotting to every one so much as they please, or retaining so much as they think fit. This has been practised in all the governments, which under several forms have flourished in Palestine, Greece, Italy, Germany, France, England, and the rest of the world. The laws of every place shew what the power of the respective magistrate is, and, by declaring how much is allowed to him, declare what is denied; for he has not that which he has not; and is to be accounted a magistrate whilst he exercises that which he has.

If any doubts do hereupon arise, I hope to remove them, proving, in the first place, that several nations have plainly and explicitly made contracts with their magistrates.

2. That they are implicit, and to be understood, where they are not plainly expressed.

3. That they are not dreams, but real things, and perpetually obliging.

4. That judges are in many places appointed to decide the contest arising from the breach of these contracts; and where they are not, or the party offending is of such force or pride, that he will not submit, nations have been obliged to take the extremest courses.

To the first: I suppose it will not be denied, that the annual magistrates of divers commonwealths are under some compact, and that there is a power of constraining them to perform the contents, or to punish them for the violation. The modest behaviour of the Roman consuls and dictators (as long as their laws were in force) might not probably proceed from their good-nature. Though the people had not been, as our author says, "mad, foolish, and always desirous to chuse the worst men for being most like to themselves," but admirably wise and virtuous, it is not to be imagined, that in the space of three or four hundred years they should never have fallen upon one who would have transgressed, if he could have

done it safely, though they had used the utmost caution in their choice. But the power of the consuls being only for a year, that of the dictator for six months at most, and the commission, that he should take care* the commonwealth might suffer no damage, shews the end and condition upon which they were chosen; and though their power is by some thought to have been absolute, yet the consuls were frequently opposed, and brought into order by the senate, tribunes, or people, and sometimes the dictator himself. Camillus† in his fourth dictatorship was threatened by the tribunes with a great fine, and by that means obliged to abdicate his magistracy. I have already mentioned Marcus Fabius Maximus, who in the behalf of his son Quintus, condemned to die by Papirius the dictator, appealed to the‡ people: and when the conduct of Fabius, in the war against Hannibal, was not approved, Nænius, the tribune, thought he made a very modest proposition, in that he did not desire his magistracy should be abrogated; but that the master of the horse should be made equal to him in power, which was done accordingly. It is agreed by all, that the consuls were in the place of kings, and that the power of the dictator was at least equal to what theirs had been. If they therefore were under such a rule, which they could not transgress, or might be reduced to order if they did,

* Ne quid detrimenti respublica accipiat. † Plut. vit. Camil.

‡ Qui solus plus quam tua dictura potest polletque, cui & reges cessere, &c. T. Liv. l. viii.

and forced to submit to the people as the kings had done, the kings were also made upon the same conditions, and equally obliged to perform them.

The scripture is more clear in the case. The judges are said to have been in power equal to kings; and I may perhaps acknowledge it, with relation to the deuteronomical king, or such as the people might have chosen without offending God. The Gileadites made a covenant with Jephtha, that he should be their head and captain: he would not return to his country till they had done it. This was performed solemnly before the Lord in Mispeth, and all Israel followed them. They might therefore make a covenant with their kings, for the difference of names does not increase or diminish the right. Nay they were in duty obliged to do it: the words of the xviith of Deuter. "He shall not multiply wives, &c. that his heart be not lifted up above his brethren," can have no other signification, than that they should take care he did it not, or, as Josephus says, hinder him if he attempt it; for the law was not given to the king who was not, but to those who might make him if they thought fit. In pursuance of this law....

(The rest of this chapter is wanting in the original manuscript.)

CHAPTER III.

SECTION I.

KINGS, NOT BEING FATHERS OF THEIR PEOPLE, NOR EXCELLING ALL OTHERS IN VIRTUE, CAN HAVE NO OTHER JUST POWER THAN WHAT THE LAW GIVES; NOR ANY TITLE TO THE PRIVILEGES OF THE LORD'S ANOINTED.

HAVING proved, that the right of fathers is from nature, and incommunicable, it must follow, that every man doth perpetually owe all love, respect, service, and obedience, to him that did beget, nourish, and educate him, and to no other under that name. No man therefore can claim the right of a father over any, except one that is so; no man can serve two masters; the extent and perpetuity of the duty which every man owes to his father, renders it impossible for him to owe the same to any other: this right of father cannot be devolved to the heir of the father, otherwise than as every son by the law of nature is heir to his father, and has the same right of commanding his children as his father had of commanding him when he was a child: no man can owe to his brother that which he owed to his father, because he cannot receive that from him which he had

from his father; but the utmost of all absurdities that can enter into the heart of man is, for one to exact the rights due to a father, who has no other title than force and usurpation, it being no less than to say, that I owe as much to one who has done me the greatest of all injuries, as to him who has conferred upon me the greatest benefits: or, which is yet worse, if possible, that as these usurpations cannot be made but by robbing, spoiling, imprisoning, or killing the person in possession; that duty, which by the eternal law of nature I owe to my father, should oblige me to pay the same veneration, obedience, and service, to the man that has spoiled, imprisoned, or killed my father, as I owed to him; or that the same law which obliged me to oboy and de fend my father, because he was so, should oblige me to obey and defend his enemy, because he has imprisoned or killed him; and not only to pass over the law of God, which makes me the avenger of my father's blood, but to reward his murderer with the rights that comprehend all that is most tender and sacred in nature, and to look upon one that has done me the greatest of all injustices and injuries, as upon him to whom I owe my birth and education. This being evident to all those who have any measure of common sense, I suppose it may be safely concluded, that what right soever a father may have over his family, it cannot relate to that which a king has over his people; unless he, like the man in the island of Pines, mentioned before, be also the father of them all. That which is absolutely unlike in manner and substance, institution and exercise, must be unlike

in all respects; and the conclusions, which have their strength from similitude and parity, can have none where there is not the least similitude of either. And though it were true, that fathers are held by no contracts (which generally it is not; for when the son is of age, and does something for the father to which he is not obliged, or gives him that which he is not bound to give, suppose an inheritance received from a friend, goods of his own acquisition, or that he be emancipated, all good laws look upon those things as a valuable consideration, and give the same force to contracts thereupon made, as to those that pass between strangers) it could have no relation to our question concerning kings. One principal reason that renders it very little necessary by the laws of nations to restrain the power of parents over their children is, because it is presumed they cannot abuse it: they are thought to have a law in their bowels, obliging them more strictly to seek their good, than all those that can be laid upon them by another power; and yet if they depart from it, so as inhumanely to abuse or kill their children, they are punished with as much rigour, and accounted more unpardonable, than other men. Ignorance or wilful malice persuading our author to pass over all this, he boldly affirms, "That the father of a family governs it by no other law than his own will;" and from thence infers, that the condition of kings is the same. He would seem to soften the harshness of this proposition by saying, "That a king is always tied by the same law of nature to keep this general ground, that the safety of the kingdom is his chief law." But he spoils it

in the next page, by asserting, " That it is not right for kings to do injury; but it is right, that they go unpunished by the people, if they do; so that in this point it is all one, whether Samuel describe a king or a tyrant; for patient obedience is due unto both; no remedy in the text against tyrants, but crying and praying unto God in that day." In this our author, according to the custom of theatres, runs round in a circle, pretends to grant that which is true, and then by a lie endeavours to destroy all again. Kings, by the law of nature, are obliged to seek chiefly the good of the kingdom; but there is no remedy if they do it not; which is no less than to put all upon the conscience of those who manifestly have none. But if God has appointed, that all other transgressions of the laws of nature, by which a private man receives damage, should be punished in this world, notwithstanding the right reserved to himself of a future punishment; I desire to know, why this alone, by which whole nations may be, and often are destroyed, should escape the hands of justice? If he presume no law to be necessary in this case, because it cannot be thought, that kings will transgress, as there was no law in Sparta against adultery, because it was not thought possible for men educated under that discipline to be guilty of such a crime; and as divers nations left a liberty to fathers to dispose of their children as they thought fit, because it could not be imagined, that any one would abuse that power; he ought to remember, that the Spartans were mistaken, and for want of that law, which they esteemed useless, adulteries became as common there as in any part of

the world: and the other error being almost every where discovered, the laws of all civilized nations make it capital for a man to kill his children; and give redress to children, if they suffer any other extreme injuries from their parents, as well as other persons. But though this were not so, it would be nothing to our question, unless it could be supposed, that whoever gets the power of a nation into his hands, must be immediately filled with the same tenderness of affection to the people under him, as a father naturally has towards the children he hath begotten. He that is of this opinion, may examine the lives of Herod, Tiberius, Caligula, and some later princes of like inclinations, and conclude it to be true, if he finds that the whole course of their actions, in relation to the people under them, do well suit with the tender and sacred name of father; and altogether false, if he finds the contrary. But as every man that considers what has been, or sees what is every day done in the world, must confess, that princes, or those who govern them, do most frequently so utterly reject all thoughts of tenderness and piety towards the nations under them, as rather to seek what can be drawn from them, than what should be done for them, and sometimes become their most bitter and public enemies; it is ridiculous to make the safety of nations to depend upon a supposition, which by daily experience we find to be false; and impious, to prefer the lusts of a man, who violates the most sacred laws of nature by destroying those he is obliged to preserve, before the welfare of that people for whose good he is made to be what

he is, if there be any thing of justice in the power he exercises.

Our author foolishly thinks to cover the enormity of this nonsense, by turning "*salutem populi*" into "*salutem regni :*" for though "*regnum*" may be taken for the power of commanding, in which sense the preservation of it is the usual object of the care of princes; yet it does more rightly signify the body of that nation which is governed by a king. And therefore, if the maxim be true, as he acknowledges it to be, "*salus populi est lex suprema ;*" and the first thing we are to inquire is, whether the government of this or that man do conduce to the accomplishment of that supreme law, or not; for otherwise it ought to have been said, "*salus regis est lex suprema,*" which certainly never entered into the head of a wiser or better man than Filmer.

His reasons are as good as his doctrine: "No law," says he, "can be imposed on kings, because there were kings before any laws were made." This would not follow, though the proposition were true; for they, who imposed no laws upon the kings they at first made, from an opinion of their virtue, as in those called by the ancients "*herom regna,*" might lay restrictions upon them, when they were found not to answer the expectation conceived of them, or that their successors degenerated from their virtue. Other nations also, being instructed by the ill effects of an unlimited power given to some kings (if there was any such) might wisely avoid the rock

upon which their neighbours had split, and justly moderate that power, which had been pernicious to others. However, a proposition of so great importance ought to be proved; but that being hard, and perhaps impossible, because the original of nations is almost wholly unknown to us, and their practice seems to have been so various, that what is true in one, is not so in another; he is pleased only to affirm it, without giving the least shadow of a reason to persuade us to believe him. This might justify me, if I should reject his assertion as a thing said gratis: but I may safely go a step further, and affirm, that men lived under laws before there were any kings; which cannot be denied, if such a power necessarily belongs to kings as he ascribes to them. For Nimrod, who established his kingdom in Babel, is the first who by the scripture is said to have been a mighty one in the earth. He was therefore the first king, or kings were not mighty; and he being the first king, mankind must have lived till his time without laws, or else laws were made before kings. To say that there was then no law, is in many respects most absurd; for the nature of man cannot be without it, and the violences committed by ill men before the flood, could not have been blamed if there had been no law; for that which is not, cannot be transgressed. Cain could not have feared, that every man who met him would slay him, if there had not been a law to slay him that had slain another. But in this case the scripture is clear, at least from the time that Noah went out of the ark; for God then

gave him a law sufficient for the state of things at that time, if all violence was prohibited under the name of shedding blood, though not under the same penalty as murder. But penal laws being in vain, if there be none to execute them, such as know God does nothing in vain, may conclude, that he who gave this law did appoint some way for its execution, though unknown to us. There is therefore a law not given by kings, but laid upon such as should be kings, as well as on any other persons, by one who is above them; and perhaps I may say, that this law presseth most upon them, because they who have most power, do most frequently break out into acts of violence, and most of all disdain to have their will restrained: and he that will exempt kings from this law, must either find, that they are excepted in the text, or that God who gave it has not a power over them.

Moreover, it has been proved at the beginning of this treatise, that the first kings were of the accursed race, and reigned over the accursed nations, whilst the holy seed had none. If, therefore, there was no law where there was no king, the accursed posterity of Ham had laws, when the blessed descendants of Shem had none, which is most absurd; the word "outlaw," or "lawless," being often given to the wicked, but never to the just and righteous.

The impious folly of such assertions goes farther than our author perhaps suspected: for if there be no law where there is no king, the Israelites had no

law till Saul was made king, and then the law they had was from him. They had no king before, for they asked one. They could not have asked one of Samuel, if he had been a king. He had not been offended, and God had not imputed to them the sin of rejecting him, if they had asked that only which he had set over them. If Samuel was not king, Moses, Joshua, and the other judges, were not kings; for they were no more than he. They had therefore no king, and consequently, if our author say true, no law. If they had no law till Saul was king, they never had any; for he gave them none; and the prophets were to blame for denouncing judgments against them for receding from, or breaking their law, if they had none. He cannot say that Samuel gave them a law;* for that which he wrote in a book, and laid up before the Lord, was not a law to the people, but to the king. If it had been a law to the people it must have been made public; but as it was only to the king, he laid it up before God, to testify against him if he should adventure to break it. Or if it was a law to the people, the matter is not mended; for it was given in the time of a king by one who was not king. But in truth it was the law of the kingdom by which he was king, and had been wholly impertinent, if it was not to bind him; for it was given to no other person, and to no other end.

Our author's assertion, upon which all his doctrine is grounded, "That there is no nation that al-

* 1 Sam. x.

lows children any action or remedy for being unjustly governed, is as impudently false as any other proposed by him; for though a child will not be heard that complains of the rod, yet our own law gives relief to children against their fathers, as well as against other persons that do them injuries, upon which we may see many ill effects, and I do rather relate than commend the practice. In other places the law gives relief against the extravagancies of which fathers may be guilty in relation to their children, though not to that excess as to bring them so near to an equality as in England: they cannot imprison, sell, or kill, their children, without exposing themselves to the same punishments with other men: and if they take their estates from them, the law is open and gives relief against them; but on the other side, children are punished with death, if they strike or outrageously abuse their parents; which is not so with us.

Now, if the laws of nations take such care to preserve private men from being too hardly used by their true and natural fathers, who have such a love and tenderness for them in their own blood, that the most wicked and barbarous do much more frequently commit crimes for them than against them; how much more necessary is it to restrain the fury that kings, who at the best are but phantastical fathers, may exercise to the destruction of the whole people? It is a folly to say that David, and some other kings, have had, or that all should have, a tenderness of affection towards their people as towards

their children; for besides that even their first proposition is not acknowledged, and will be hardly verified in any one instance, there is a vast distance between what men ought to be, and what they are. Every man ought to be just, true, and charitable; and if they were so, laws would be of no use: but it were a madness to abolish them upon a supposition that they are so; or to leave them to a future punishment, which many do not believe, or not regard. I am not obliged to believe, that David loved every Israelite as well as his son Absalom; but though he had, I could not from thence infer, that all kings do so, unless I were sure that all of them were as wise and virtuous as he.

But to come more close to the matter: do we not know of many kings who have come to their power by the most wicked means that can enter into the heart of man, even by the most outrageous injuries done to the people, sometimes by a foreign aid? As kings were, by the power of the Romans, imposed upon the Britons, that they might waste the forces and break the spirit of that fierce people. This Tacitus acknowledges, and says, "That amongst other instruments of enslaving nations, they imposed kings upon them."* The Medices were made masters of Florence by the force of Charles the Fifth's army. Sometimes, by a corrupt party in their own country, they have destroyed the best men, and subdued the rest; as Agathocles, Dionysius, and Cæsar,

* Inter instrumenta servitutis reges habuere.

did at Rome and Syracuse. Others taking upon them to defend a people, have turned the arms with which they were entrusted, against their own masters; as Francesco Sforza, who, being chosen by those of Milan to be their general against the Venetians, made peace with them, and by their assistance made himself prince, or, in our author's phrase, father of that great city. If these be acts of tenderness, love, justice, and charity, those who commit them may well think they have gained the affections of their people, and grow to love those from whom they fear nothing, and by whom they think they are loved. But if, on the other hand, they know they have attained to their greatness by the worst of all villainies, and that they are on that account become the object of the public hatred, they can do no less than hate and fear those by whom they know themselves to be hated. The Italians ordinarily say, that he who does an injury never pardons, because he thinks he is never pardoned:* but he that enslaves and oppresses a people does an injury which can never be pardoned, and therefore fears it will be revenged.

Other princes, who come to their thrones by better ways, and are not contented with the power that the law allows, draw the same hatred upon themselves, when they endeavour by force or fraud to enlarge it; and must necessarily fear and hate their own people, as much as he, who, by the ways before mentioned,

* Chi fa injuria non perdona mai.

has betrayed or subdued them. Our author makes nothing of this; but, taking it for granted, that it was all one whether Samuel spoke of a king or a tyrant, declares that the same patient obedience is due to both; but, not being pleased to give any reason why we should believe him, I intend to offer some, why we should not.

First, there is nothing in the nature or institution of monarchy, that obliges nations to bear the exorbitances of it, when it degenerates into tyranny.

In the second place, we have no precept for it.

Thirdly, we have many approved examples, and occasional particular commands to the contrary.

1. To the first: the point of paternity being explained; the duty of children to parents proved to proceed from the benefits received from them, and that the power over them, which at the first seems to have been left at large, because it was thought they would never abuse it, has long since been much restrained in all civilized nations, and particularly in our own; we may conclude, that men are all made of the same paste, and that one owes no more to another, than another to him, unless for some benefit received, or by virtue of some promise made. The duty arising from a benefit received, must be proportionable to it: that which grows from a promise, is determined by the promise or contract made, according to the true sense and meaning of it. He there-

fore, that would know what the Babylonians, Hebrews, Athenians, or Romans, did owe to Nimrod, Saul, Theseus, or Romulus, must inquire what benefits were received from them, or what was promised to them. It cannot be said, that any thing was due to them for the sake of their parents; they could have no prerogative by birth: Nimrod was the sixth son of Cush, the son of Cham, who was the youngest son of Noah: his kingdom was erected, whilst Noah, and his elder sons Shem and Japhet, as well as Ham, Cush, and his elder sons, were still living. Saul was the son of Kish, a man of Benjamin, who was the youngest son of Jacob; and he was chosen in the most democratical way by lot amongst the whole people. Theseus, according to the custom of the times, pretended to be the son of Neptune; and Rhea was so well pleased with the soldier that had gotten her with child, that she resolved to think, or say, that Mars was the father of the children, that is to say, they were bastards; and therefore, whatever was due to them, was upon their own personal account, without any regard to their progenitors. This must be measured according to what they did for those nations before they were kings, or by the manner of their advancement. Nothing can be pretended before they were kings: Nimrod rose up after the confusion of languages, and the people, that understood the tongue he spoke, followed him; Saul was a young man unknown in Israel; Theseus and Romulus had nothing to recommend them, before other Athenians and Romans, except the reputation of their valour; and the honours conferred upon

them for that reason must proceed from expectation or hope, and not from gratitude or obligation. It must therefore proceed from the manner by which they came to be kings. He that neither is nor has any title to be a king, can come to be so only by force, or by consent. If by force, he does not confer a benefit upon the people, but injures them in the most outrageous manner. If it be possible therefore, or reasonable to imagine, that one man did ever subdue a multitude, he can no otherwise resemble a father, than the worst of all enemies, who does the greatest mischiefs, resembles the best of all friends, who confers the most inestimable benefits; and consequently does as justly deserve the utmost effects of hatred, as the other does of love, respect, and service. If by consent, he who is raised from amongst the people, and placed above his brethren, receives great honours and advantages, but confers none. The obligations of gratitude are on his side, and whatsoever he does in acknowledgment to his benefactors for their love to him, is no more than his duty; and he can demand no more from them, than what they think fit to add to the favours already received. If more be pretended, it must be by virtue of that contract, and can no otherwise be proved, than by producing it to be examined, that the true sense, meaning, and intention of it, may be known.

This contract must be in form and substance according to a general rule given to all mankind, or such as is left to the will of every nation. If a gene-

ral one be pretended, it ought to be shewn, that, by inquiring into the contents, we may understand the force and extent of it. If this cannot be done, it may justly pass for a fiction; no conclusion can be drawn from it; and we may be sure, that what contracts soever have been made between nations and their kings, have been framed according to the will of those nations; and consequently, how many soever they are, and whatsoever the sense of any or all of them may be, they can oblige no man, except those, or at the most the descendants of those that made them. Whoever therefore would persuade us, that one or more nations are, by virtue of those contracts, bound to bear all the insolences of tyrants, is obliged to shew, that by those contracts they did for ever indefinitely bind themselves so to do, how great soever they might be.

I may justly go a step further, and affirm, that if any such should appear in the world, the folly and turpitude of the thing would be a sufficient evidence of the madness of those that made it, and utterly destroy the contents of it: but no such having been as yet produced, nor any reason given to persuade a wise man that there has ever been any such, at least among civilized nations (for whom only we are concerned) it may be concluded there never was any; or if there were, they do not at all relate to our subject; and consequently, that nations still continue in their native liberty, and are no otherwise obliged to endure the insolence of tyrants, than they, or each of them, may esteem them tolerable.

2. To the second: though the words of Samuel had implied a necessity incumbent upon the Hebrews to bear all the injuries that their kings should do to them, it could no way relate to us; for he does not speak of all kings, but of such as they had asked, even such as reigned over the slavish Asiatics their neighbours, who are no less infamous in the world for their baseness and cowardice, than detestable for their idolatry and vices. It was not a plot or trick of Samuel to keep the government in himself and family: such scurrilous expressions or thoughts are fit only for Filmer, Heylin, and their disciples: but the prophet, being troubled at the folly and wickedness of the people, who chose rather to subject themselves to the irregular will of a man, than to be governed by God, and his law, did by the immediate command of God, declare to them what would be the event of their fury; that since they would be like to their neighbours in sin and folly, he told them they should be like to them in shame and misery; since they desired to cast off the thing that was good, they should suffer evil as the product of their own counsels; and that when they should cry to the Lord, from a sense of their miseries, he does not tell them, as our author falsely says, they should have no other remedy against tyrants but crying and praying, but that their cries and prayers should not be heard. It was just, that when they had rejected God, he should reject them, and leave them under the weight of the calamities they had brought upon themselves. In all other cases God had ever said, that when his people returned to him, he would hear and save them.

When they cried, by reason of the oppressions they suffered under the Egyptians, Canaanites, Midianites, Philistines, and others, though their crimes had deserved them all, yet God heard, and relieved them. But when they meditated this final defection from his law, and rejection of his government, God seemed to change his nature, and forget to be gracious: "When ye shall cry to me by reason of your king, I will not hear you." This was the strongest dehortation from their wicked intention that can be imagined; but being not enough to reclaim them, they answered, "Nay, but we will have a king." They were like to their neighbours in folly and vice, and would be like to them in government; which brought all the calamities upon them that the others suffered. But I know not what conclusion can be drawn from hence in favour of our author's doctrine, unless all nations are obliged furiously to run into the same crimes with the Israelites, or to take upon themselves the same punishment, though they do not commit the same crimes.

If this was not a precept to the Israelites, instructing them what they should do, but a denunciation of what they should suffer for the evil which they had committed, the Old Testament will afford none; and I hope in due time to answer such as he alleges from the New. Nay, we may conclude there can be none there, because, being dictated by the same spirit, which is always uniform and constant to itself, it could not agree with the xviith of Deuteronomy, which so extremely restrains such a king as God

allowed, as not to suffer him in any manner to raise his heart above his brethren; and was said in vain, if at the same time it gave him a power which might not be resisted; or forbade others to resist him if he would not obey the law.

3. To the third: whatsoever was done by the command of God against Pharaoh king of Egypt, and against the kings of the Canaanites, Midianites, Moabites, Edomites, Amorites, or Philistines, by Moses, Joshua, Ehod, Barak, Gideon, Samson, Jephtha, Samuel, and the rest of the judges, comes expressly under the particular precepts and examples promised by me, to shew that God had occasionally commanded, and his servants executed his commands in resisting and destroying the persons of kings, who were their own kings also, if possession was only to be regarded. And though this be sufficient to overthrow our author's doctrine; "that we are not to examine the titles of kings, whether they be from usurpation, or any other means, but only to look upon the power;" yet they who seek truth, ought not to content themselves merely with victory; or to esteem that a victory, which is obtained by what the schools call "*argumentum ad hominem*," grounded upon a false proposition, and of no force except against those who are so ill advised as to advance it. Therefore laying aside the advantages that may be justly taken against Filmer, for the folly of asserting the same right to be in a usurper, as in a lawful prince; and confessing, that though such as have no title, may and ought to be suppressed as enemies

and robbers, when respect and obedience is due to those who is rightly instituted; I say, that none can be claimed by a prince lawfully instituted, if he assume to himself a power which is not granted to him by the law of his institution, because as Grotius says, "his legal power does not extend so far;"* or turn the power that is given him, to ends contrary to those for which it was given, because he thereby destroys it, and puts himself into the same condition as if it had never been. This is proved by the example of Saul; though the people sinned grievously in asking a king, yet, God assenting to their demand, no prince was ever more solemnly instituted than he. The people chose him by lot from amongst all the tribes, and he was placed in the throne by the general consent of the whole nation: but he turning his lawful power into tyranny, disobeying the word of the prophet, slaying the priests, sparing the Amalekites, and oppressing the innocent, overthrew his own right; and God declared the kingdom, which had been given him, under a conditional promise of perpetuity, to be intirely abrogated. This did not only give a right to the whole people of opposing him, but to every particular man; and upon this account David did not only fly from his fury, but resisted it. He made himself head of all the discontented persons that would follow him: he had at first four, and afterwards six hundred men; he kept these in arms against Saul, and lived upon the country; and resolved to destroy Nabal, with all his house, only for

* Quia eatenus non habet imperium. De jur bel.

refusing to send provisions for his men. Finding himself weak and unsafe, he went to Achish the Philistine, and offered his service even against Israel. This was never reputed a sin in David, or in those that followed him, by any except the wicked court-flatterer Doeg the Edomite, and the drunken fool Nabal, who is said to have been a man of Belial.

If it be objected, that this was rather a flight than a war, inasmuch as he neither killed Saul nor his men, or that he made war as a king anointed by Samuel; I answer, that he who had six hundred men, and entertained as many as came to him, sufficiently shewed his intention rather to resist than to fly: and no other reason can be given why he did not farther pursue that intention, than that he had no greater power: and he who arms six hundred men against his prince, when he can have no more, can no more be said to obey patiently, than if he had so many hundreds of thousands. This holds, though he kills no man; for that is not the war, but the manner of making it: and it were as absurd to say, David made no war, because he killed no men, as that Charles the Eighth made no war in Italy, because Guicciardin says, he conqured Naples without breaking a lance. But as David's strength increased he grew to be less sparing of blood. Those who say, kings never die, but that the right is immediately transferred to the next heirs, cannot deny that Ishbosheth inherited the right of Saul, and that David had no other right of making war against him, than against Saul, unless it were conferred upon

him by the tribe of Judah, that made him king. If this be true, it must be confessed, that not only a whole people, but a part of them, may at their own pleasure abrogate a kingdom, though never so well established by common consent; for none was ever more solemnly instituted than that of Saul; and few subjects have more strongly obliged themselves to be obedient. If it be not true, the example of Nabal is to be followed; and David, though guided by the Spirit of God, deserves to be condemned as a fellow that rose up against his master.

If to elude this it be said, that God instituted and abrogated Saul's kingdom, and David, to whom the right was transmitted, might therefore proceed against him and his heirs as private men; I answer, that if the obedience due to Saul proceeded from God's institution, it can extend to none, but those who are so peculiarly instituted and anointed by his command, and the hand of his prophet, which will be of little advantage to the kings, that can give no testimony of such an institution or unction; and an indisputable right will remain to every nation of abrogating the kingdoms which are instituted by and for themselves. But as David did resist the authority of Saul and Ishbosheth, without assuming the power of a king, though designed by God, and anointed by the prophet, till he was made king of Judah by that tribe; or arrogating to himself a power over the other tribes, till he was made king by them, and had entered into a covenant with them; it is much more certain, that the persons and authority of ill kings,

who have no title to the privileges due to Saul by virtue of his institution, may be justly resisted; which is as much as is necessary to my purpose.

Object. But David's heart smote him, when he had cut off the skirt of Saul's garment, and he would not suffer Abishai to kill him.* This might be of some force if it were pretended, that every man was obliged to kill an ill king, whensoever he could do it; which I think no man ever did say; and no man having ever affirmed it, no more can be concluded than is confessed by all. But how is it possible, that a man of a generous spirit, like to David, could see a great and valiant king, chosen from amongst all the tribes of Israel, anointed by the command of God, and the hand of the prophet, famous for victories obtained against the enemies of Israel, and a wonderful deliverance thereby purchased to that people, cast at his feet to receive life or death from the hand of one whom he had so furiously persecuted, and from whom he least deserved, and could least expect mercy, without extraordinary emotion of mind; most especially when Abishai, who saw all that he did, and thereby ought best to have known his thoughts, expressed so great a tenderness to kill him! This could not but make him reflect upon the instability of all that seemed to be most glorious in men, and shewed him, that if Saul, who had been named even among the prophets, and assisted in an

* 1 Sam. xxvi.

extraordinary manner to accomplish such great things, was so abandoned and given over to fury, misery, and shame; he that seemed to be most firmly established ought to take care lest he should fall.

Surely these things are neither to be thought strange in relation to Saul, who was God's anointed, nor communicable to such as are not: some may suppose he was king by virtue of God's unction (though if that were true, he had never been chosen and made king by the people); but it were madness to think, he became God's anointed by being king: for if that were so, the same right and title would belong to every king, even to those, who by his command were accursed and destroyed by his servants, Moses, Joshua, and Samuel. The same men, at the same time, and in the same sense, would be both his anointed and accursed, loved and detested by him; and the most sacred privileges made to extend to the worst of enemies.

Again; the war made by David, was not upon the account of being king, as anointed by Samuel, but upon the common natural right of defending himself against the violence and fury of a wicked man; he trusted to the promise, "that he should be king," but knew that as yet he was not so; and when Saul found he had spared his life, he said, "I now know well, that thou shalt surely be king, and that the kingdom of Israel shall surely be established in thy hand;* not that it was already. Nay, David him-

* 1 Sam. xxiv.

self was so far from taking upon him to be king, till the tribe of Judah had chosen him, that he often acknowledged Saul to be lord. When Baanah and Rechad brought the head of Ishbosheth to him, he commanded them to be slain; "because they had killed a righteous man upon his bed, in his own house:"* which he could not have said, if Ishbosheth had unjustly detained from him the ten tribes, and that he had a right to reign over them before they had chosen him. The word of God did not make him king, but only foretold, that he should be king; and by such ways as he pleased prepared the hearts of the people to set him up; and till the time designed by God for that work was accomplished, he pretended to no other authority, than what the six hundred men who first followed him, afterwards the tribe of Judah, and at last all the rest of the people, conferred upon him.

I no way defend Absalom's revolt; he was wicked, and acted wickedly; but after his death no man was ever blamed or questioned for siding with him: and Amasa, who commanded his army, is represented in scripture as a good man, even David saying, that Joab, by slaying Abner and Amasa, had killed "two men who were better than himself;"† which could not have been, unless the people had a right of looking into matters of government, and of redressing abuses: though, being deceived by Absalom, they so far erred, as to prefer him, who was in all re-

* 2 Sam. iv. † 2 Sam. xx.

spects wicked, before the man, who, except in the matter of Uriah, is said to be after God's own heart. This right was acknowledged by David himself, when he commanded Hushai to say to Absalom, "I will be thy servant, O king;"* and by Hushai in the following chapter, "Nay, but whom the Lord, and his people, and all the men of Israel chuse, his will I be, and with him will I abide:" which could have no sense in it, unless the people had a right of chusing, and that the choice in which they generally concurred, was esteemed to be from God.

But if Saul, who was made king by the whole people, and anointed by the command of God, might be lawfully resisted when he departed from the law of his institution; it cannot be doubted, that any other, for the like reason, may be resisted. If David, though designed by God to be king, and anointed by the hand of the prophet, was not king till the people had chosen him, and he had made a covenant with them; it will, if I mistake not, be hard to find a man who can claim a right which is not originally from them. And if the people of Israel could erect, and pull down, institute, abrogate, or transfer to other persons or families, kingdoms more firmly established than any we know, the same right cannot be denied to other nations.

* 2 Kings.

SECTION II.

THE KINGS OF ISRAEL AND JUDAH WERE UNDER A LAW NOT SAFELY TO BE TRANSGRESSED.

Our author might be pardoned if he only vented his own follies; but he aggravates his own crime, by imputing them to men of more credit; and though I cannot look upon Sir Walter Raleigh as a very good interpreter of scripture, he had too much understanding to say, "That if practice declares the greatness of authority, even the best kings of Israel and Judah were not tied to any law, but they did whatsoever they pleased in the greatest matters;" for there is no sense in those words. "If practice declares the greatness of authority, even the best were tied to no law," signifies nothing, for practice cannot declare the greatness of authority. Peter the cruel of Castile, and Christiern the Second of Denmark, killed whom they pleased; but no man ever thought they had therefore a right to do so: and if there was a law, all were tried by it, and the best were less likely to break it than the worst.* But if Sir Walter Releigh's opinion, which he calls a conjecture, be taken, there was so great a difference between the kings of Israel and Judah, that as to their general proceedings in point of power, hardly any thing can be said which may rightly be applied

* 2 L. hist. cap. 19.

to both; and he there endeavours to shew, that the reason why the ten tribes did not return to the house of David, after the destruction of the houses of Jeroboam and Baasha, was, because they would not endure a power so absolute as that which was exercised by the house of David. If he has therefore any where said, that the kings did what they pleased, it must be in the sense that Moses Maimonides says, the kings of Israel committed many extravagancies, because they were "insolent, impious, and despisers of the law."* But whatsoever Sir Walter Raleigh may say (for I do not remember his words, and have not leisure to seek whether any such are found in his books) it is most evident, that they did not what they pleased. The tribes, that did not submit to David, nor crown him till they thought fit, and then made a covenant with him, took care it might be observed, whether he would or not. Absalom's rebellion, followed by almost all Israel, was a terrible check to his will. That of Sheba, the son of Bichri, was like to have been worse, if it had not been suppressed by Joab's diligence; and David often confessed the sons of Zeruiah were too hard for him. Solomon indeed, overthrowing the law given by Moses, multiplying gold and silver, wives and horses, introducing idolatry, and lifting up his heart above his brethren, did what he pleased; but Rehoboam paid for all: the ten tribes revolted from him, by reason of the heavy burdens laid upon them; stoned Adoram, who was

* Quia superbi erant corde, impii, & spretores legis. Mor. Nevoch.

sent to levy the tributes, and set up Jeroboam, who, as Sir Walter Releigh says in the place before cited, had no other title than the courtesy of the people, and utterly rejected the house of David. If practice therefore declares a right, the practice of the people to avenge the injuries they suffered from their kings, as soon as they found a man fit to be their leader, shews they had a right of doing it.

It is true, the best of the kings, with Moses, Joshua, and Samuel, may in one sense be said to have done what they pleased, because they desired to do that only which was good. But this will hardly be brought to confer a right upon all kings: and I deny that even the kings of Judah did what they pleased, or that it were any thing to our question, if they did. Zedekiah professed to the great men, (that is, to the sanhedrim) "that without them he could do nothing."* When Amaziah, by his folly, had brought a great slaughter upon the tribe of Judah, they conspired against him in public council: whereupon he fled to Lachish, and they, pursuing him thither, killed him, avowed the fact, and it was neither questioned, nor blamed:† which examples agree with the paraphrase of Josephus on Deut. xvii. "He shall do nothing without the consent of the sanhedrim; and if he attempt it, they shall hinder him."‡ This was the law of God, not to be abrogated by man; a law of liberty directly opposite to the necessity of submitting to the will of a man.

* Jer. xxxviii. † 2 Kings xiv. ‡ Antiq. Jud.

This was a gift bestowed by God upon his children and people; whereas, slavery was a great part of the curse denounced against Ham for his wickedness, and perpetually incumbent upon his posterity. The great sanhedrim were constituted judges, as Grotius says, most particularly of such matters as concerned their kings; and Maimonides affirms, that the kings were judged by them: the distribution of the power to the inferior sanhedrims, in every tribe and city, with the right of calling the people together in general assemblies as often as occasion required, were the foundations of their liberty; and, being added to the law of the kingdom, prescribed in the xviith of Deuteronomy (if they should think fit to have a king) established the freedom of that people upon a solid foundation. And though they in their fury did in a great measure wave the benefits God had bestowed upon them; yet there was enough left to restrain the lusts of their kings. Ahab did not treat with Naboth, as with a servant, whose person and estate depended upon his will; and does not seem to have been so tender-hearted as to grieve much for his refusal, if by virtue of his royal authority he could have taken away his vineyard, and his life: but, that failing, he had no other way of accomplishing his design, than by the fraud of his accursed wife, and the perfidious wretches she employed. And no better proof, that it did fail can reasonably be required, than that he was obliged to have recourse to such sorded, odious, and dangerous remedies: but we are furnished with one, that is more unquestionable; "Hast thou killed, and also taken posses-

sion? "In the place where dogs licked the blood of Naboth, shall they lick thy blood, even thine."* This shews, that the kings were not only under a law, but under a law of equality with the rest of the people, even that of relation. He had raised his heart above his brethren: but God brought him down, and made him to suffer for what he had done; he was in all respects wicked, but the justice of this sentence consisted in the law he had broken, which could not have been, if he had been subject to none. But as this retaliation was the sum of all the judicial law given by God to his people, the sentence pronounced against Ahab, in conformity to it, and the execution committed to Jehu, shew, that the kings were no less obliged to perform the law, than other men, though they were not so easily punished for transgressing it, as others were; and, if many of them did escape, it perfectly agrees with what had been foretold by Samuel.

SECTION III.

SAMUEL DID NOT DESCRIBE TO THE ISRAELITES THE GLORY OF A FREE MONARCHY; BUT THE EVILS THE PEOPLE SHOULD SUFFER, THAT HE MIGHT DIVERT THEM FROM DESIRING A KING.

THOUGH no restraint had been put upon the lusts of the Hebrew kings, it could be no prejudice to any

* 1 Kings xxi.

other nation. They deflected from the law of God: and, rejecting him, that he should reign over them no longer, they fell into that misery which could affect none, but those who enjoy the same blessings, and with the same fury despise them. If their kings had more power than consisted with their welfare, they gave it, and God renounces the institution of* such. He gave them a law of liberty; and if they fell into the shame and misery, that accompanies slavery, it was their own work. They were not obliged to have any king; and could not without a crime have any but one, who must not raise his heart above the rest of them. This was taught by Moses: and Samuel, who spoke by the same spirit, could not contradict him; and in telling the people, what such a king as they desired would do when he should be established, he did announce to them the misery they would bring upon themselves, by chusing such a one, as he had forbidden. This free monarchy, which our author thinks to be so majestically described, was not only displeasing to the prophet, but declared by God to be a rejection of him, and inconsistent with his reign over them. This might have been sufficient to divert any other people from their furious resolution; but the prophet, farther enforcing his dissuasion, told them, that God (who had in all other cases been their helper) would not hear them when they should cry to him by reason of their king. This is the majestic description of that

* "Ye have chosen kings, but not by me; and princes; but I know them not." Hos.

free monarchy, with which our author is so much pleased: it was displeasing to the prophet, hateful to God, an aggravation of all the crimes they had committed since they came out of Egypt, and that which would bring (as it did) most certain and irreparable destruction upon themselves.

But it seems, the regal majesty in that age was in its infancy, and little in comparison of that, which we find described by Tacitus, Suetonius, and others, in later times. "He shall take your sons," says Samuel, "and set them over his chariots, and your daughters to make them confectioners and cooks;" but the majesty of the Roman emperors was carried to a higher pitch of glory. Ahab could not, without employing treachery and fraud, get a small spot of ground for his money to make a garden of herbs: but Tiberius, Caligula, and Nero, killed whom they pleased, and took what they pleased of their estates. When they had satiated their cruelty and avarice, by the murders and confiscations of the most eminent and best men, they commonly exposed their children to the lust of their slaves. If the power of doing evil be glorious, the utmost excess is its perfection; and it is pity that Samuel knew no more of the effects produced by unrestrained lust, that he might have made the description yet more majestic: and as nothing can be suffered by man beyond constupration, torments, and death, instead of such trifles as he mentioned, he might have shewed them the effects of fury in its greatest exaltation.

If it be good for a nation to live under such a power, why did not God of his own goodness institute it? Did his wisdom, and love to his people, fail? Or if he himself had not set up the best government over them, could he be displeased with them for asking it? Did he separate that nation from the rest of mankind, to make their condition worse than that of others? Or can they be said to have sinned and rejected God, when they desired nothing but the government, which, by a perpetual ordinance, he had established over all the nations of the world? Is not the law of nature a rule which he has given to things? and the law of man's nature, which is reason, an emanation of the divine wisdom, or some footsteps of divine light remaining in us? Is it possible, that this, which is from God, can be contrary to his will; and can he be offended with those who desire to live in a conformity to that law? Or could it justly be said, the people had chosen that which is not good, if nothing in government be good but what they chose?

But as the worst men delight in the worst things, and fools are pleased with the most extreme absurdities, our author not only gives the highest praises to that which bears so many marks of God's hatred; but after having said, that Abraham, Isaac, Jacob, and Moses, were kings, he goes on and says, "the Israelites begged a king of Samuel;" which had been impertinent, if the magistrates instituted by the law were kings: and though it might be a folly

in them to ask what they had already, it could be no sin to desire that which they enjoyed by the ordinance of God. If they were not kings, it follows, that the only government set up by God, amongst men, wanted the principal part, even the head, whence all the other parts have their action and being; that is, God's law is against God's law, and destroys itself.

But if God did neither by a general and perpetual ordinance establish over all nations the monarchy which Samuel describes, nor prescribe it to his own people by a particular command, it was purely the people's creature, the production of their own fancy, conceived in wickedness, and brought forth in iniquity, an idol set up by themselves to their own destruction, in imitation of their accursed neighbours; and their reward was no better than the concession of an impious petition, which is one of God's heaviest judgments. Samuel's words are acknowledged by all interpreters, who were not malicious or mad, to be a dissuasion from their wicked purpose; not a description of what a king might justly do by virtue of his office, but what those who should be set up against God, and his law, would do when they should have the power in their hands: and I leave such as have the understandings of men, and are not abandoned by God, to judge what influence this ought to have upon other nations, either as to obligation or imitation.

SECTION IV.

NO PEOPLE CAN BE OBLIGED TO SUFFER FROM THEIR KINGS WHAT THEY HAVE NOT A RIGHT TO DO.

Our author's next work is to tell us, "That the scope of Samuel was to teach the people a dutiful obedience to their king, even in the things that they think mischievous or inconvenient: for, telling them what the king would do, he indeed instructs them what a subject must suffer: yet not so, that it is right for kings to do injury; but it is right for them to go unpunished by the people, if they do it; so that in this point it is all one whether Samuel describe a king, or a tyrant." This is hard; but the conclusion is grounded upon nothing. There is no relation between a prediction, that a thing shall be attempted or done to me, and a precept, that I shall not defend myself, or punish the person that attempts, or does it. If a prophet should say, that a thief lay in the way to kill me, it might reasonably persuade me not to go, or to go in such a manner, as to be able to defend myself: but can no way oblige me to submit to the violence that shall be offered, or my friends and children not to avenge my death if I fall; much less can other men be deprived of the natural right of defending themselves by my imprudence or obstinacy in not taking the warning given, whereby I might have preserved my life. For every man has

a right of resisting, some way or other, that which ought not to be done to him; and though human laws do not, in all cases, make men judges and avengers of the injuries offered to them, I think there is none that does not justify the man who kills another that offers violence to him, if it appear, that the way prescribed by the law, for the preservation of the innocent, cannot be taken. This is not only true in the case of outrageous attempts to assassinate or rob upon the highway, but in divers others of less moment. I knew a man who being appointed to keep his master's park, killed three men in one night, that came to destroy his deer; and putting himself into the hands of the magistrate, and confessing the fact, both in matter and manner, he was at the public assizes not only acquitted, but commended for having done his duty; and this, in a time when, it is well known, justice was severely administered, and little favour expected by him or his master. Nay, all laws must fall, human societies that subsist by them be dissolved, and all innocent persons be exposed to the violence of the most wicked, if men may not justly defend themselves against injustice by their own natural right, when the ways prescribed by public authority cannot be taken.

Our author may perhaps say, this is true in all except the king: and I desire to know why, if it be true in all except the king, it should not be true in relation to him? Is it possible, that he who is instituted for the obtaining of justice, should claim the liberty of doing injustice as a privilege? Were it not

better for a people to be without law, than that a power should be established by law to commit all manner of violences with impunity? Did not David resist those of Saul? Did he not make himself head of the tribe of Judah, when they revolted against his son, and afterwards of the ten tribes, that rejected his posterity? Did not the Israelites stone Adoram who collected the taxes, revolt from the house of David, set up Jeroboam; and did not the prophet say it was from the Lord? If it was from the Lord, was it not good? If it was good then, is it not so for ever? Did good proceed from one root then, and from another now? If God had avenged the blood of Naboth by fire from heaven, and destroyed the house of Ahab, as he did the two captains, and their men, who were sent to apprehend Elijah, it might be said he reserved that vengeance to himself; but he did it by the sword of Jehu and the army (which was the people who had set him up) for an example to others.

But it is good to examine what this "dutiful obedience" is that our author mentions. Men usually owe no more than they receive. It is hard to know what the Israelites owed to Saul, David, Jeroboam, Ahab, or any other king, whether good or bad, till they were made kings: and the act of the people by which so great a dignity was conferred, seems to have laid a duty upon them, who did receive more than they had to give: so that something must be due from them unless it were released by virtue of a covenant or promise made; and none could accrue to

them from the people afterwards, unless from the merit of the person in rightly executing his office. If a covenant or promise be pretended, the nature and extent of the obligation can only be known by the contents expressed, or the true intention of it. If there be a general form of covenant set and agreed upon, to which all nations must submit, it were good to know where it may be found, and by whose authority it is established, and then we may examine the sense of it. If no such do appear, we may rationally look upon those to be impostors who should go about from thence to derive a right: and, as that which does not appear is as if it were not, we may justly conclude there is no other, or none that can have any effect, but such as have been made by particular nations with their princes; which can be of no force or obligation to others, nor to themselves, any farther than according to the true intention of those that made them. There is no such thing therefore as a dutiful obedience, or duty of being obedient, incumbent upon all nations by virtue of any covenant; nor upon any particular nation, unless it be expressed by a covenant: and whoever pretends to a right of taking our sons and daughters, lands or goods, or to go unpunished if he does, must shew, that these things are expressed or intended by the covenant.

But though nations, for the most part, owe nothing to kings, till they are kings, and that it can hardly be conceived, that any people did ever owe so much

to a man, as might not be fully repaid by the honour and advantages of such an advancement, yet it is possible, that when they are made kings, they may, by their good government, lay such obligations upon their subjects, as ought to be recompensed by obedience and service. There is no mortal creature that deserves so well from mankind, as a wise, valiant, diligent, and just king, who as a father cherishes his people; as a shepherd feeds, defends, and is ready to lay down his life for his flock; who is a terror to evil-doers, and a praise to those that do well. This is a glorious prerogative, and he who has it is happy. But before this can be adjudged to belong to all, it must be proved, that all have the virtues that deserve it; and he that exacts the dutiful obedience that arises from them, must prove, that they are in him. He that does this, need not plead for impunity when he does injuries; for if he does them, he is not the man we speak of: not being so, he can have no title to the duty, by human institution or covenant; nor by divine law, since, as is already proved, God has neither established kings over all nations by precept, nor recommended them by example, in setting them over his own people. He has not therefore done it at all; there is no such thing in nature; and nations can owe nothing to kings merely as kings, but what they owe by the contract made with them.

As these contracts are made voluntarily, without any previous obligation, it is evident men make them in consideration of their own good; and they can be

of force no longer, than he with whom they are made performs his part in procuring it; and that if he turns the power which was given to him for the public good, to the public inconvenience and damage, he must necessarily lose the benefit he was to receive by it. The word "think" is foolishly and affectedly put in by our author; for those matters are very often so evident, that even the weakest know them. No great sagacity is required to understand, that lewd, slothful, ignorant, false, unjust, covetous, and cruel princes, bring inconveniences and mischiefs upon nations; and many of them are so evidently guilty of some or all these vices, that no man can be mistaken in imputing them; and the utmost calamities may rationally be expected from them, unless a remedy be applied.

But, says he, Samuel by telling them "what the king would do, instructs them what the subjects must suffer, and that it is right he should go unpunished:" but, by his favour, Samuel says no such thing; neither is it to be concluded, that because a king will do wickedly, he must be suffered, any more than a private man, who should take the same resolution. But he told them, that "when they should cry to the Lord by reason of their king, he would not hear them." This was as much as to say, their ruin was unavoidable; and that, having put the power into the hands of those, who, instead of protecting, would oppress them; and thereby having provoked God against them, so as he would not hearken to their cries, they could have no relief.

But this was no security to the authors of their calamity. The houses of Jeroboam, Baasha, and Omri, escaped not unpunished, though the people did not thereby recover their liberty. The kings had introduced a corruption that was inconsistent with it. But they who could not settle upon a right foundation to prevent future mischiefs, could avenge such as they had suffered, upon the heads of those who had caused them, and frequently did it most severely. The like befell the Romans, when, by the violence of tyranny, all good order was overthrown, good discipline extinguished, and the people corrupted. Ill princes could be cut in pieces, and mischiefs might be revenged, though not prevented. But it is not so every where, nor at all times; and nothing is more irrational, than from one or a few examples to conclude a general necessity of future events. They alter according to circumstances: and as some nations by destroying tyrants could not destroy tyranny, others in removing the tyrant, have cut up tyranny by the roots. This variety has been seen in the same nation at different times: the Romans recovered their liberty by expelling Tarquin; but remained slaves notwithstanding the slaughter of Cæsar. Whilst the body of the people was uncorrupted, they cured the evil wrought by the person, in taking him away. It was no hard matter to take the regal power, that by one man had been enjoyed for life, and to place it in the hands of two annual magistrates, whilst the nobility and people were, according to the condition of that age, strong, and ready to maintain it. But when the mischief had taken

deeper root; when the best part of the people had perished in the civil wars; when all their eminent men had fallen in battle, or by the proscriptions; when their discipline was lost, and virtue abolished, the poor remains of the distressed people were brought under the power of a mercenary soldiery, and found no relief. When they killed one tyrant, they often made room for a worse: it availed them nothing to cut off a rotten branch, whilst the accursed root remained, and sent forth new sprouts of the same nature to their destruction. Other generous nations have been subdued beyond a possibility of recovery; and those that are naturally base, slide into the like misery, without the impulse of an exterior power. They are slaves by nature, and have neither the understanding nor courage that is required for the constitution and management of a government within themselves. They can no more subsist without a master, than a flock without a shepherd. They have no comprehension of liberty, and can neither desire the good they do not know, nor enjoy it if it were bestowed upon them. They bear all burdens; and whatever they suffer, they have no other remedy or refuge, than in the mercy of their lord. But such nations as are naturally strong, stout, and of good understanding, whose vigour remains unbroken, manners uncorrupted, reputation unblemished, and increasing in numbers; who neither want men to make up such armies as may defend them against foreign or domestic enemies, nor leaders to head them, do ordinarily set limits to their patience. They know how to preserve their liberty, or to vin-

dicate the violation of it; and the more patient they have been, the more inflexible they are when they resolve to be so no longer. Those who are so foolish as to put them upon such courses, do to their cost find that there is a difference between lions and asses; and he is a fool who knows not, that* swords were given to men, that none might be slaves, but such as know not how to use them.

SECTION V.

THE MISCHIEFS SUFFERED FROM WICKED KINGS ARE SUCH AS RENDER IT BOTH REASONABLE AND JUST FOR ALL NATIONS, THAT HAVE VIRTUE AND POWER, TO EXERT BOTH IN REPELLING THEM.

If our author deserves credit, we need not examine, whether nations have a right of resisting, or a reasonable hope of succeeding in their endeavours to prevent or avenge the mischiefs that are feared or suffered, for it is not worth their pains. "The inconveniences," says he, "and miseries which are reckoned up by Samuel, as belonging unto kingly government, were not intolerable, but such as have been

* Ignoratque datos, ne quisquam serviat, enses. LUCAN.

and are still borne by the subjects' free consent from their princes. Nay, at this day, and in this land, many tenants by their tenures are tied unto the same subjection, even unto subordinate and inferior lords." He is an excellent advocate for kingly government, that accounts inconveniences and miseries to be some of the essentials of it, which others esteem to be only incidents. Though many princes are violent and wicked, yet some have been gentle and just: though many have brought misery upon nations, some have been beneficial to them: and they who are esteemed most severe against monarchy, think the evils that are often suffered under that form of government, proceed from the corruption of it, or deviation from the principle of its institution; and that they are rather to be imputed to the vices of the person, than to the thing itself; but if our author speaks truth, it is universally and eternally naught; inconvenience and misery belong to it.

He thinks to mend this, by saying, they are not intolerable: but what is intolerable, if inconveniences and miseries be not? For what end can he think governments to have been established, unless to prevent or remove inconveniences and miseries; or how can that be called a government, which does not only permit, but cause them? What can incline nations to set up governments? Is it that they may suffer inconveniences, and be brought to misery? or if it be to enjoy happiness, how can that subsist under a government, which, not by accident, deflection, or corruption, but by a necessity inherent in itself,

causes inconveniences and miseries? If it be pretended, that no human constitution can be altogether free from inconveniences; I answer, that the best may to some degree fall into them, because they may be corrupted; but evil and misery can properly belong to none that is not evil in its own nature. If Samuel deserves credit, or may be thought to have spoken sense, he could not have enumerated the evils, which he foresaw the people should suffer from their kings, nor say, that they should cry to the Lord by reason of them, unless they were in themselves grievous, and in comparison greater than what they had suffered or known; since that would not have diverted them from their intention, but rather have confirmed them in it. And I leave it to our author to shew, why any people should, for the pleasure of one or a few men, erect or suffer that which brings more of evil with it than any other.

Moreover, there is a great difference between that which nations sometimes suffer under kings, and that which they willingly suffer; most especially if our author's maxim be received, that all laws are the mandates of kings, and the subjects liberties and privileges no more than their gracious concessions; for how patient soever they are under the evils they suffer, it might reasonably be believed they are so because they know not how to help it: and this is certainly the case of too many places that are known to us. Whoever doubts of this, if he will not put himself to the trouble of going to Turky or Morocco, let him pass only into Normandy, and ask the naked,

bare-footed, and half starved people, whether they are willing to suffer the miseries under which they groan; and whether the magnificence of Versailles, and the pomp of their haughty master, do any way alleviate their calamities. If this also be a matter of too much pains, the wretches that come hither every day will inform him, that it is not by their own consent they are deprived of all honours and offices in the commonwealth, even of those which, by a corrupt custom that had gained the force of a law, they had dearly bought; prohibited to exercise any trade; exposed to the utmost effects of fraud and violence, if they refuse to adore their master's idols. They will tell him, that it is not willingly they leave their lands and estates to seek a shelter in the most remote parts of the world; but because they are under a force which they are not able to resist; and because one part of the nation, which is enriched with the spoils of the other, have foolishly contributed to lay a yoke upon them which they cannot break.

To what he says concerning tenures, I answer, no man in England owes any service to his lord, unless by virtue of a contract made by himself or his predecessors, under which he holds the land granted to him on that condition by the proprietor. There may be something of hardship, but nothing of injustice. It is a voluntary act in the beginning and continuance; and all men know that what is done to one who is willing* is no injury. He who did not

* Volenti non fit injuria.

like the conditions, was not obliged to take the land; and he might leave it, if afterwards he came to dislike them. If any man says, the like may be done by any one in the kingdom, I answer, that it is not always true; the protestants now in France cannot without extreme hazard go out of that country, though they are contented to lose their estates. It is accounted a crime, for which they are condemned perpetually to the gallies, and such as are aiding to them to grievous fines. But before this be acknowledged to have any similitude or relation to our discourse concerning kings, it must be proved that the present king, or those under whom he claims, is or were proprietors of all the lands in England, and granted the several parcels under the condition of suffering patiently such inconveniences and miseries as are above mentioned; or that they who did confer the crowns upon any of them, did also give a propriety in the land; which I do not find in any of the fifteen or sixteen titles that have been since the coming in of the Normans: and if it was not done to the first of every one, it cannot accrue to the others, unless by some new act to the same purpose, which will not easily be produced.

It will be no less difficult to prove, that any thing unworthy of freemen is by any tenures imposed in England, unless it be the offering up of the wives and daughters of tenants to the lust of abbots and monks; and this was so far from being willingly suffered, that since the dens and nurseries of those beasts were abolished, no man that succeeds them

has had impudence sufficient to exact the performance; and though the letter of the law may favour them, the turpitude of the thing has extinguished the usage.

But even the kings of Israel and Judah, who brought upon the people those evils that had been foretold by Samuel, did not think they had a right to the powers they exercised. If the law had given a right to Ahab to take the best of their vineyards, he might without ceremony have taken that of Naboth, and by the majestic power of an absolute monarch, have chastised the churlish clown, who refused to sell or change it for another: but for want of it he was obliged to take a very different course. If the lives of subjects had in the like manner depended upon the will of kings, David might without scruple have killed Uriah, rather than to place him in the front of the army, that he might fall by his own courage. The malice and treachery of such proceedings argue a defect of power; and he that acts in such an oblique manner, shews, that his actions are not warranted by the law, which is boldly executed in the face of the sun. This shews the interpretation put upon the words, "against thee only have I sinned,"* by court flatterers, to be false. If he had not sinned against Bathsheba, whom he corrupted, Uriah whom he caused to be killed, the people that he scandalized, and the law which he violated, he had never endeavoured to cover his guilt by so vile a

* Psalm li.

fraud. And as he did not thereby flee the sight of God, but of men, it is evident, that he in that action feared men more than God.

If by the examples of Israel and Judah we may judge, whether the inconveniences and miseries brought upon nations by their kings be tolerable or intolerable, it will be enough to consider the madness of Saul's cruelty towards his subjects, and the slaughter brought upon them by the hand of the Philistines on mount Gilboa, where he fell with the flower of all Israel; the civil wars that happened in the time of David, and the plague brought upon the people by his wickedness; the heavy burdens laid upon them by Solomon, and the idolatry favoured by him; the wretched folly of Rehoboam, and the defection of the ten tribes caused by it; the idolatry established by Jeroboam, and the kings of Israel, and that of many of those of Judah also; the frequent wars and unheard-of slaughters ensuing thereupon between the tribes; the daily devastations of the country by all sorts of strangers; the murders of the prophets; the abolition of God's worship; the desolation of towns and provinces; the captivity of the ten tribes, who were carried away into unknown countries; and, in the end, the abolition of both kingdoms, with the captivity of the tribe of Judah, and the utter destruction of the city. It cannot be said, that these things were suffered under kings, and not from or by them; for the desolation of the cities, people, and country, is, in many places of scripture, imputed to the kings that taught Israel

to sin, as appears by what was denounced against Jeroboam, Jehu, Ahaz, Manasseh, Zedekiah, and others.* Nay, the captivity of Babylon, with the evils ensuing, were first announced to Hezekiah for his vanity: and Josiah, by the like, brought a great slaughter upon himself and people. But if mischiefs fell upon the people by the frailty of those, who, after David, were the best, nothing surely less than the utmost of all miseries could be expected from such as were set to do evil, and to make the nation like to themselves, in which they met with too great success.

If it be pretended, that God's people, living under an extraordinary dispensation, can be no example to us, I desire other histories may be examined; for, I confess, I know no nation so great, happy, and prosperous, nor any power so well established, that two or three ill kings, immediately succeeding each other, have not been able to destroy, and bring to such a condition, that it appeared the nations must perish, unless the senates, diets, and other assemblies of state, had put a stop to the mischief, by restraining or deposing them; and though this might be proved by innumerable testimonies, I shall content myself with that of the Roman empire, which perished by the vices, corruption, and baseness of their princes: the noble kingdom of the Goths in Spain overthrown by the tyranny of Witza and Rodrigo: the present state of Spain now languishing, and threatening ruin from the same causes: France, brought to the last

* 1 Kings xiv. 2 Kings xx. 2 Kings xxi.

degree of misery and weakness by the degenerate races of Pharamond and Charles, preserved and restored by the virtues of Pepin and Capet; to which may be added those of our own country, which are so well known that I need not mention them.

SECTION VI.

IT IS NOT GOOD FOR SUCH NATIONS AS WILL HAVE KINGS, TO SUFFER THEM TO BE GLORIOUS, POWERFUL, OR ABOUNDING IN RICHES.

Our author having hitherto spoken of all nations, as born under a necessity of being subject to absolute monarchy, which he pretends to have been set up by the universal and indispensable law of God and nature, now seems to leave to their discretion, whether they will have a king or not; but says, that those "who will have a king, are bound to allow him royal maintenance, by providing revenues for the crown; since it is for the honour, profit, and safety of the people, to have their king glorious, powerful, and abounding in riches." If there be any thing of sense in this clause, there is nothing of truth in the foundation or principle of his whole book. For as the right and being of a father is natural or inherent, and no ways depending upon the

will of the child; that of a king is so also, if he be, and ought to enjoy the rights belonging to the father of the people; and it is no less ridiculous to say, "those who will have a king," than it would be to say, "he that will have a father;" for every one must have one whether he will or not. But if the king be a father, as our author from thence infers, that all laws are from him, none can be imposed upon him; and whatsoever the subject enjoys is by his concessions: it is absurd to speak of an obligation lying upon the people to allow him royal maintenance, by providing revenues, since he has all in himself, and they have nothing, that is not from him, and depending upon his will. For this reason a worthy gentleman of the house of commons, in the year 1640, desired that the business of the judges, who in the star-chamber had given for their opinion concerning ship-money, "that in cases of necessity, the king might provide it by his own authority, and that he was judge of that necessity," might be first examined, that they might know whether they had any thing to give, before they should speak of giving. And as it is certain, that if the sentence of those perjured wretches had stood, the subjects of England by consequence would have been found to have nothing to give; it is no less sure, that if our author's principle concerning the paternal and absolute power of king's be true, it will, by a more compendious way, appear, that it is not left to the choice of any nation, whether they will have a king or not; for they must have him, and can have nothing to allow him, but must receive all from him.

But if those only who "will have a king," are bound to have one, and to allow this "royal maintenance," such as will not have a king, are, by one and the same act, delivered from the necessity of having one, and from providing maintenance for him; which utterly overthrows the magnificent fabric of paternal monarchy; and the kings, who were lately represented by our author, placed on the throne by God and nature, and endowed with an absolute power over all, appear to be purely the creatures of the people, and to have nothing but what is received from them.

From hence it may be naturally inferred, that* he who makes a thing to be, makes it to be only what he pleases. This must hold in relation to kings as well as other magistrates; and, as they who made consuls, dictators, and military tribunes, gave them only such power, and for such a time, as best pleased themselves, it is impossible they should not have the same right in relation to kings, in making them what they please, as well as not to make them unless they please; except there be a charm belonging to the name, or the letters that compose it; which cannot belong to all nations; for they are different in every one according to their several languages.

But, says our author, it is "for the honour, profit, and safety of the people, that the king should be glorious, powerful, and abounding in riches." There is

* Qui dat esse, dat modum esse.

therefore no obligation upon them, and they are to judge whether it be so or not. The scripture says plainly the contrary: "He shall not multiply silver and gold, wives and horses: he shall not lift up his heart above his brethren.* He shall not therefore be glorious, powerful, or abounding in riches. Reason and experience teach us the same thing: if those nations, that have been proud, luxurious, and vicious, have desired by pomp and riches to foment the vices of their princes, thereby to cherish their own; such as have excelled in virtue, and good discipline, have abhorred it; and, except the immediate exercise of their office, have kept their supreme magistrates to a manner of living little different from that of private men: and it had been impossible to maintain that frugality, in which the integrity of their manners did chiefly consist, if they had set up an example directly contrary to it, in him who was to be an example to others; or to provide for their own safety, if they had overthrown that integrity of manners by which it could only be obtained and preserved. There is a necessity incumbent upon every nation that lives in the like principle, to put a stop to the entrance of those vices that arise from the superfluity of riches, by keeping their kings in that honest poverty, which is the mother and nurse of modesty, sobriety, and all manner of virtue: and no man can deny this to be well done, unless he will affirm, that pride, luxury, and vice, are more profitable to a nation, than the virtues that are upheld by frugality.

* Deut. xvii.

There is another reason of no less importance to those nations, who, though they think fit to have kings, yet desire to preserve their liberty, which obliges them to set limits to the glory, power, and riches of their kings; and that is, that they can no otherwise be kept within the rules of the law. Men are naturally propense to corruption; and if he, whose will and interest it is to corrupt them, be furnished with the means, he will never fail to do it. Power, honours, riches, and the pleasures that attend them, are the baits by which men are drawn to prefer a personal interest before the public good; and the number of those who covet them is so great, that he who abounds in them will be able to gain as many to his service as shall be sufficient to subdue the rest. It is hard to find a tyranny in the world that has not been introduced this way; for no man by his own strength could ever subdue a multitude; none could ever bring many to be subservient to his ill designs, but by the rewards they received or hoped. By this means Cæsar accomplished his work, and overthrew the liberty of his country, and with it all that was then good in the world. They who were corrupted in their minds, desired to put all the power and riches into his hands, that he might distribute them to such as served him. And he, who was nothing less than covetous in his own nature, desired riches, that he might gain followers; and by the plunder of Gaul he corrupted those that betrayed Rome to him. And, though I do not delight to speak of the affairs of our own time, I desire those who know the present state of France to tell me, whether it were possible for the

king to keep that nation under servitude, if a vast revenue did not enable him to gain as many to his particular service as are sufficient to keep the rest in subjection: and if this be not enough, let them consider, whether all the dangers that now threaten us at home, do not proceed from the madness of those who gave such a revenue as is utterly unproportionable to the riches of the nation, unsuitable to the modest behaviour expected from our kings, and which in time will render parliaments unnecessary to them.

On the other hand, the poverty and simplicity of the Spartan kings were no less safe and profitable to the people, than truly glorious to them. Agesilaus denied that Artaxerxes was greater than he, unless he were more temperate, or more valiant; and he made good his words so well, that, without any other assistance than what his wisdom and valour did afford, he struck such a terror into that great, rich, powerful, and absolute monarch, that he did not think himself safe in Babylon or Ecbatane, till the poor Spartan was, by a captain of as great valour, and greater poverty, obliged to return from Asia to the defence of his own country. This was not peculiar to the severe Laconic discipline. When the Roman kings were expelled, a few carts were prepared to transport their goods: and their lands, which were consecrated to Mars, and now go under the name of Campus Martius, hardly contain ten acres of ground. Nay, the kings of Israel, who led such vast armies into the field (that is, were followed by all the people

who were able to bear arms) seem to have possessed little. Ahab, one of the most powerful, was so fond of Naboth's vineyard (which, being the inheritance of his fathers, according to their equal division of lands, could not be above two acres) that he grew sick when it was refused.

But, if an allowance be to be made to every king, it must be either according to an universal rule or standard, or must depend upon the judgment of nations. If the first, they who have it, may do well to produce it; if the other, every nation, proceeding according to the measure of their own discretion, is free from blame.

It may also be worth observation, whether the revenue given to a king be in such manner committed to his care, that he is obliged to employ it for the public service without the power of alienation; or whether it be granted as a propriety, to be spent as he thinks fit. When some of the ancient Jews and Christians scrupled the payment of tribute to the emperors, the reasons alledged to persuade them to a compliance seem to be grounded upon a supposition of the first: for, said they, the defence of the state lies upon them, which cannot be performed without armies and garrisons; these cannot be maintained without pay, nor money raised to pay them without tributes and customs. This carries a face of reason with it, especially in those countries which are perpertually or frequently subject to invasions: but this will not content our author. He speaks of employ-

ing the revenue in keeping the king's house, and looks upon it as a propriety to be spent as he thinks convenient; which is no less than to cast it into a pit, of which no man ever knew the bottom. That which is given one day, is squandered away the next: the people is always oppressed with impositions, to foment the vices of the court: these daily increasing, they grow insatiable, and the miserable nations are compelled to hard labour, in order to satiate those lusts that tend to their own ruin.

It may be considered, that the virtuous* Pagans, by the light of nature, discovered the truth of this. Poverty grew odious in Rome, when great men, by desiring riches, put a value upon them, and introduced that pomp and luxury which could not be borne by men of small fortunes.† From thence all furies and mischiefs seemed to break loose; the base, slavish, and so often subdued Asia, by the basest of men revenged the defeats they had received from the bravest; and by infusing into them a delight in pomp and luxury, in a short time rendered the strongest and bravest of nations the weakest and basest. I wish our own experience did not too plainly manifest, that these evils were never more prevalent than in our days, when the luxury, majestic pomp, and abosolute power, of a neighbouring king,

* .....Sævior armis
Luxuria incubuit, victumque ulciscitur orbem. LUCAN.

† Nullum crimen abest, facinusque libidinis, ex quo
Paupertas Romana perit. Juv. Sat. vi. 292.

must be supported by an abundance of riches, torn out of the bowels of his subjects, which renders them, in the best country of the world, and at a time when the crown most flourishes, the poorest and most miserable of all the nations under the sun. We too well know who are most apt to learn from them, and by what means and steps they endeavoured to lead us into the like misery. But the bird is safe when the snare is discovered; and if we are not abandoned by God to destruction, we shall never be brought to consent to the settling of that pomp, which is against the practice of all virtuous people, and has brought all the nations that have been taken with it into the ruin that is intended for us.

SECTION VII.

WHEN THE ISRAELITES ASKED FOR SUCH A KING AS THE NATIONS ABOUT THEM HAD, THEY ASKED FOR A TYRANT, THOUGH THEY DID NOT CALL HIM SO.

"Now that Saul was no tyrant," says our author, "note, that the people asked a king as all nations had: God answers, and bids Samuel to hear the voice of the people in all things which they spake, and appoint them a king. They did not ask a

tyrant; and to give them a tyrant when they asked a king, had not been to hear their voice in all things, but rather when they asked an egg, to have given them a scorpion; unless we will say, that all nations had tyrants." But before he drew such a conclusion, he should have observed, that God did not give them a scorpion when they asked an egg, but told them, that was a scorpion which they called an egg; they would have a king to judge them, to go out before them, and to fight their battles; but God in effect told them, he would overthrow all justice, and turn the power that was given him to the ruin of them and their posterity. But since they would have it so, he commanded Samuel to hearken to their voice, and for the punishment of their sin and folly, to give them such a king as they asked, that is, one who would turn to his own profit, and their misery, the power with which he should be entrusted; and this truly denominates a tyrant. Aristotle makes no other distinction between a king and a tyrant, than that the king governs for the good of the people, the tyrant for his own pleasure or profit: and they who asked such a one, asked a tyrant, though they called him a king. This is all that could be done in their language: for, as they who are skilled in the oriental languages assure me, there is no name for a tyrant in any of them, or any other way of expressing the thing, than by circumlocution, and adding proud, insolent, lustful, cruel, violent, or the like epithets, to the word lord, or king. They did in effect ask a tyrant: they would not have such a king as God had

ordained, but such a one as the nations had. Not that all nations had tyrants; but those who were round about them, of whom they had knowledge, and which, in their manner of speaking, went under the name of all, were blessed with such masters. This way of expression was used by Lot's daughters, who said, there was not a man in all the earth to come in to them; because there was none in the neighbourhood with whom it was thought fit they should accompany. Now, that the eastern nations were then, and are still, under the government of those which all free people call tyrants, is evident to all men. God, therefore, in giving them a tyrant, or rather a government, that would turn into tyranny, gave them what they asked, under another name; and, without any blemish to the mercy promised to their fathers, suffered them to bear the penalty of their wickedness and folly in rejecting him, that he should not reign over them.

But though the name of tyrant was unknown to them, yet in Greece, from whence the word comes, it signified no more than one who governed according to his own will, distinguished from kings that governed by law; and was not taken in an ill sense, till those who had been advanced for their justice, wisdom, and valour, or their descendants, were found to depart from the ends of their institution, and to turn that power to the oppression of the people, which had been given for their protection: but by these means it grew odious, and that kind of govern-

ment came to be thought only tolerable by the basest of men; and those who destroyed it, were in all places esteemed to be the best.

If monarchy had been universally evil, God had not, in the xviith of Deuteronomy, given leave to the Israelites to set up a king; and if that kind of king had been asked, he had not been displeased: and they could not have been said to reject God, if they had not asked that which was evil; for nothing that is good is contrary, or inconsistent with a people's obedience, to him. The monarchy they asked was displeasing to God, it was therefore evil. But a tyrant is no more than an evil and corrupted monarch: the king therefore that they demanded was a tyrant: God, in granting one who would prove a tyrant, gave them what they asked; and that they might know what they did, and what he would be, God told them they rejected him, and should cry by reason of the king they desired.

This denotes him to be a tyrant: for as the government of a king ought to be gentle and easy, tending to the good of the people, resembling the tender care of a father to his family; if he who is set up to be a king, and to be like to that father, do lay a heavy yoke upon the people, and use them as slaves, and not as children, he must renounce all resemblance of a father, and be accounted an enemy.

"But," says our author, "whereas the people's crying argues some tyrannical oppression, we may

remember, that the people's cries are not always an argument of their living under a tyrant. No man will say Solomon was a tyrant: yet all the congregation complained, that Solomon made their yoke grievous." It is strange, that when children, nay, when whelps cry, it should be accounted a mark that they are troubled, and that the cry of the whole people should be none: or that the government which is erected for their ease, should not be esteemed tyrannical, if it proves grievous to those it should relieve. But as I know no example of a people that did generally complain without cause, our adversaries must allege some other than that of Solomon, before I believe it of any. We are to speak reverently of him: he was excellent in wisdom; he built the temple, and God appeared twice to him: but it must be confessed, that during a great part of his life he acted directly contrary to the law given by God to kings, and that his ways were evil and oppressive to the people, if those of God were good. Kings were forbidden to multiply horses, wives, silver, and gold: but he brought together more silver and gold, and provided more horses, wives, and concubines, than any man is known to have done; and though he did not actually return to Egypt, yet he introduced their abominable idolatry, and so far raised his head above his brethren, that he made them subservient to his pomp and glory. The people might probably be pleased with a great part of this; but when the yoke became grievous, and his foolish son would not render it more easy, they threw it off; and the thing being from the Lord, it was good, unless he be evil.

But as just governments are established for the good of the governed, and the Israelites desired a king, that it might be well with them, not with him, who was not yet known to them; that which exalts one to the prejudice of those that made him, must always be evil, and the people that suffers the prejudice must needs know it better than any other. He that denies this, may think the state of France might have been best known from Bulion the late treasurer, who, finding Lewis the Thirteenth to be troubled at the people's misery, told him they were too happy, since they were not reduced to eat grass. But if words are to be understood as they are ordinarily used, and we have no other than that of "tyranny" to express a monarchy that is either evil in the institution, or fallen into corruption, we may justly call that "tyranny" which the scripture calls a "grievous yoke," and which neither the old nor the new counsellors of Rehoboam could deny to be so: for though the first advised him to promise amendment, and the others to do worse, yet all agreed, that what people said was true.

This yoke is always odious to such as are not by natural stupidity and baseness fitted for it; but those who are so, never complain. An ass will bear a multitude of blows patiently; but the least of them drives a lion into rage. He that said the rod is made for the back of fools, confessed that oppression will make a wise man mad. And the most unnatural of all oppressions is to use lions like asses, and to lay that yoke upon a generous nation, which only the

basest can deserve; and, for want of a better word, we call this tyranny.

Our author is not contented to vindicate Solomon only, but extends his indulgence to Saul. His custom is to patronize all that is detestable; and no better testimony could be given of it. "It is true," says he, "Saul lost his kingdom, but not for being too cruel or tyrannical unto his subjects, but for being too merciful unto his enemies:" but he alleges no other reason, than that the slaughter of the priests is not blamed; not observing that the writers of scripture, in relating those things that are known to be abominable by the light of nature, frequently say no more of them: and if this be not so, Lot's drunkenness and incest, Reuben's pollution of his father's bed, Abimelech's slaughter of his seventy brothers, and many of the most wicked acts that ever were committed, may pass for laudable and innocent. But if Saul were not to be blamed for killing the priests, why was David blamed for the death of* Uriah? Why were the dogs to lick the blood of Ahab and Jezebel, if they did nothing more than kings might do without blame? Now if the slaughter of one man was so severely avenged upon its authors, and their families, none but such as Filmer can think that of so many innocent men, with their wives and children, could escape unreproved or unpunished.

* "Thou hast killed Uriah with the sword of the children of Ammon: now therefore the sword shall never depart from thy house." 2 Sam. xii.

But the whole series of the history of Saul shewing evidently, that his life and reign were full of the most violent cruelty and madness, we are to seek no other reason for the ruin threatened and brought upon him, and his family. And as those princes who are most barbarously savage against their own people, are usually most gentle to the enemies of their country, he could not give a more certain testimony of his hatred to those he ought to have protected, than by preserving those nations, who were their most irreconcileable enemies. This is proved by reason, as well as by experience; for every man knows he cannot bear the hatred of all mankind: such as know they have enemies abroad, endeavour to get friends at home: those who command powerful nations, and are beloved by them, fear not to offend strangers. But if they have rendered their own people enemies to them, they cannot hope for help in a time of distress, nor so much as a place of retreat or refuge unless from strangers; nor from them, unless they deserve it by favouring them to the prejudice of their own country. As no man can serve two masters, no man can pursue two contrary interests: Moses, Joshua, Gideon, and Samuel, were severe to the Amorites, Midianites, and Canaanites, but mild and gentle to the Hebrews. Saul, who was cruel to the Hebrews, spared the Amalekites, whose preservation was their destruction: and whilst he destroyed those he should have saved, and saved those, that by a general and particular command of God he should have destroyed, he lost his ill-governed kingdom, and left an example to posterity of the

end that may be expected from pride, folly, and tyranny.

The matter would not be much altered, if I should confess, that, in the time of Saul, all nations were governed by tyrants (though it is not true, for Greece did then flourish in liberty, and we have reason to believe, that other nations did so also); for though they might not think of a good government at the first, nothing can oblige men to continue under one that is bad, when they discover the evils of it, and know how to mend it. They who trusted men that appeared to have great virtues, with such a power as might easily be turned into tyranny, might justly retract, limit, or abolish it, when they found it to be abused. And though no condition had been reserved, the public good, which is the end of all* government, had been sufficient to abrogate all that should tend to the contrary. As the malice of men, and their inventions to do mischief, increase daily, all would soon be brought under the power of the worst, if care were not taken, and opportunities embraced, to find new ways of preventing it. He that should make war at this day as the best commanders did two hundred years past, would be beaten by the meanest soldier. The places then accounted impregnable are now slighted as indefensible; and if the arts of defending were not improved as well as those of assaulting, none would be able to hold out a day. Men were sent into the world rude and ignorant, and

* Salus populi suprema lex.

if they might not have used their natural faculties to find out that which is good for themselves, all must have been condemned to continue in the ignorance of our first fathers, and to make no use of their understanding to the ends for which it was given.

The bestial barbarity in which many nations, especially of Africa, America, and Asia, do now live, shews what human nature is, if it be not improved by art and discipline; and if the first errors, committed through ignorance, might not be corrected, all would be obliged to continue in them, and for any thing I know, we must return to the religion, manners, and policy, that were found in our country at Cæsar's landing. To affirm this is no less than to destroy all that is commendable in the world, and to render the understanding given to men utterly useless. But if it be lawful for us by the use of that understanding to build houses, ships, and forts, better than our ancestors, to make such arms as are most fit for our defence, and to invent printing, with an infinite number of other arts beneficial to mankind, why have we not the same right in matters of government, upon which all others do almost absolutely depend? If men are not obliged to live in caves and hollow trees, to eat acorns, and to go naked, why should they forever be obliged to continue under the same form of government that their ancestors happened to set up in the time of their ignorance? Or if they were not so ignorant to set up one that was not good enough for the age in which

they lived, why should it not be altered, when tricks are found out to turn that to the prejudice of nations, which was erected for their good? From whence should malice and wickedness gain a privilege of putting new inventions to do mischief every day into practice? and who is it that so far protects them, as to forbid good and innocent men to find new ways also of defending themselves from it? If there be any that do this, they must be such as live in the same principle; who, whilst they pretend to exercise justice, provide only for the indemnity of their own crimes, and the advancement of unjust designs. They would have a right of attacking us with all the advantages of the arms now in use, and the arts which by the practice of so many ages have been wonderfully refined, whilst we should be obliged to employ no others in our just defence, than such as were known to our naked ancestors, when Cæsar invaded them, or to the Indians, when they fell under the dominion of the Spaniards. This would be a compendious way of placing uncontrouled iniquity in all the kingdoms of the world, and to overthrow all that deserves the name of good by the introduction of such accursed maxims. But if no man dares to acknowledge any such, except those whose acknowledgment is a discredit, we ought not to suffer them to be obliquely obtruded upon us, nor to think, that God has so far abandoned us into the hands of our enemies, as not to leave us the liberty of using the same arms in our defence as they do to offend and injure us.

We shall be told, that prayers and tears were the only arms of the first christians, and that Christ commanded his disciples to pray for those that persecuted them: but besides, that those precepts of the most extreme lenity do ill suit with the violent practices of those who attempt to enslave nations, and who, by alledging them, do plainly shew, either that they do not extend to all christians, or that they themselves are none whilst they act contrary to them; they ought to know, that those precepts were merely temporary, and directed to the persons of the apostles, who were armed only with the sword of the Spirit; that the primitive christians used prayers and tears only, no longer than whilst they had no other arms. But knowing, that by listing themselves under the ensigns of christianity they had not lost the rights belonging to all mankind, when nations came to be converted, they no way thought themselves obliged to give their enemies a certain opportunity of destroying them, when God had put means into their hands of defending themselves: and proceeded so far in this way, that the christian valour soon became no less famous and remarkable than that of the Pagans. They did with the utmost vigour defend both their civil and religious rights against all the powers of earth and hell, who by force and fraud endeavoured to destroy them.

SECTION VIII.

UNDER THE NAME OF TRIBUTE, NO MORE IS UNDERSTOOD, THAN WHAT THE LAW OF EACH NATION GIVES TO THE SUPREME MAGISTRATE FOR THE DEFRAYING OF PUBLIC CHARGES; TO WHICH THE CUSTOMS OF THE ROMANS, OR SUFFERINGS OF THE JEWS, HAVE NO RELATION.

"If any desire the directions of the New Testament," says our author, "he may find our Saviour limiting and distinguishing royal power, by giving to Cæsar those things that are Cæsar's, and to God the things that are God's." But that will be of no advantage to him in this contest. We do not deny to any man that which is his due; but do not so well know who is Cæsar, nor what it is that can truly be said to be due to him. I grant, that when those words were spoken, the power of the Romans, exercised by Tiberius, was then expressed by the name of Cæsar, which he without any title had assumed. The Jews, amongst many other nations, having been subdued, submitted to it; and being no way competent judges of the rights belonging to the senate or people of Rome, were obliged to acknowledge that power which their masters were under. They had no commonwealth of their own, nor any other government amongst themselves, that was not precarious. They thought Christ was to have restored their kingdom, and by them to have

reigned over the nations; but he shewed them they were to be subject to the Gentiles, and that within few years their city and temple should be destroyed. Their commonwealth must needs expire, when all that was prefigured by it was accomplished. It was not for them at such a time to presume upon their abrogated privileges, nor the promises made to them, which were then fulfilled. Nay, they had by their sins profaned themselves, and given to the Gentiles a right over them, which none could have had, if they had continued in their obedience to the law of God. This was the foundation of the Cæsars' dominion over them, but can have no influence upon us. The first of the Cæsars had not been set up by them: the series of them had not been continued by their consent: they had not interrupted the succession by placing or displacing whom they pleased: they had not brought in strangers or bastards, nor preferred the remotest in blood before the nearest: they had no part in making the laws, by which they were governed, nor had the Cæsars sworn to them: they had no "great charter," acknowledging their liberties to be innate or inherent in them, confirmed by immemorial custom, and strengthened by thirty acts of their own general assemblies, with the assent of the Romans: the Cæsar who then governed, came not to the power by their consent: the question, "Will ye have this man to reign?" had never been asked; but he being imposed upon them, they were to submit to the laws, by which he governed their masters. This can be nothing to us, whose case is in every respect most unlike to theirs.

We have no dictatorian power over us; and neither we nor our fathers have rendered or owed obedience to any human laws but our own, nor to any other magistracy, than what we have established. We have a king who reigns by law. His power is from the " *law that makes him king :" and we can know only from thence what he is to command, and what we are obliged to obey. We know the power of the Cæsars was usurped, maintained, and exercised, with the most detestable violence, injustice, and cruelty. But though it had been established by the consent of the Romans, from an opinion that it was good for them in that state of affairs, it were nothing to us; and we could be no more obliged to follow their example in that, than to be governed by consuls, tribunes, and decemviri, or to constitute such a government as they set up when they expelled their kings. Their authority was as good at one time as at the other; or if a difference ought to be made, the preference is to be given to what they did when their manners were most pure, the people most free, and when virtue was most flourishing among them. But if we are not obliged to set up such a magistracy as they had, it is ridiculous to think, that such an obedience is due to one who is not in being, as they paid to him that was. And if I should confess, that Cæsar, holding the senate and people of Rome under the power of the sword, imposed what tribute he pleased upon the provinces; and that the Jews, who had no part in the government, were obliged to sub-

* Lex facit ut fit rex. BRACTON.

mit to his will: our liberty of paying nothing, except what the Parliament appoints, and yielding obedience to no laws, but such as are made to be so by their authority, or by our own immemorial customs, could not be thereby infringed. But we may justly affirm, that the tribute imposed was not, as our author infers, "all their coin," nor a considerable part of it, nor more than what was understood to go for the defraying of the public charges. Christ, by asking whose image and superscription was stampt upon their money, and thereupon commanding them to give to Cæsar that which was Cæsar's, did not imply that all was his; but that Cæsar's money being current amongst them, it was a continual and evident testimony, that they acknowledged themselves to be under his jurisdiction, and therefore could not refuse to pay the tribute laid upon them by the same authority, as other nations did.

It may also be observed, that Christ did not so much say this to determine the questions that might arise concerning Cæsar's power; for he plainly says, that was not his work; but to put the Pharisees to silence, who tempted him. According to the opinion of the Jews, that the Messias would restore the kingdom of Israel, they thought his first work would be to throw off the Roman yoke; and not believing him to be the man, they would have brought him to avow the thing, that they might destroy him. But as that was not his business, and that his time was not yet come, it was not necessary to give them any other answer, than such as might disappoint their purpose.

This shews, that without detracting from the honour due to Austin, Ambrose, or Tertullian, I may justly say, that the decision of such questions as arise concerning our government, must be decided by our laws, and not by their writings. They were excellent men; but, living in another time, under a very different government, and applying themselves to other matters, they had no knowledge at all of those that concern us. They knew what government they were under, and thereupon judged what a broken and dispersed people owed to that which had given law to the best part of the world before they were in being, under which they had been educated, and which, after a most cruel persecution, was become propitious to them. They knew that the word of the emperor was a law to the senate and people, who were under the power of that man that could get the best army; but perhaps had never heard of such mixed governments as ours, though about that time they began to appear in the world. And it might be as reasonably concluded, that there ought to be no rule in the succession or election of princes, because the Roman emperors were set up by the violence of the soldiers, and, for the most part, by the slaughter of him who was in possession of the power, as that all other princes must be absolute when they have it, and do what they please, till another more strong, and more happy, may, by the like means, wrest the same power from them.

I am much mistaken if this be not true; but without prejudice to our cause, we may take that which

they say, according to their true meaning, in the utmost extent. And to begin with Turtullian: it is good to consider the subject of his discourse, and to whom he wrote. The treatise cited by our author is the apologetic, and tends to persuade the Pagans, that civil magistrates might not intermeddle with religion; and that the laws made by them touching those matters, were of no value, as relating to things of which they had no cognizance. *"It is not," says he, "length of time, nor the dignity of the legislators, but equity only, that can commend laws; and when any are found to be unjust, they are deservedly condemned." By which words he denied, that the magistratical power, which the Romans acknowledged in Cæsar, had any thing to do in spiritual things. And little advantage can be taken by christian princes from what he says concerning the Roman emperors; for he expressly declares, †"That the Cæsars would have believed in Christ, if they had either not been necessary to the secular government, or that christians might have been Cæsars." This seems to have proceeded from an opinion received by christians in the first ages, that the use of the civil, as well as the military sword, was equally accursed:

* Leges non annorum numerus, nec conditorum dignitas, sed sola æquitas commendat, atque ideo si iniquæ cognoscuntur merito damnantur. TERTUL. Ap.

† Sed & Cæsares super Christo credidissent, si aut Cæsares non essent sæculo necessarii, aut Christiani potuissent esse Cæsares. Ibid.

that "Christians were to be* sons of peace, enemies to no man; and that Christ, by commanding Peter to put up his sword, did forever disarm all christians." He proceeds to say,† "We cannot fight to defend our goods, having in our baptism renounced the world, and all that is in it; nor to gain honours, accounting nothing more foreign to us than public affairs, and acknowledging no other commonwealth than that of the whole world;" nor to save our lives, because we account it a happiness to be killed. He dissuades the Pagans from executing Christians, rather from charity to them in keeping them from the crime of slaughtering the innocent, than that they were unwilling to suffer: and gives no other reasons of their prayers for the emperors, than that they were commanded to love their enemies, and to pray for those who persecuted them, except such as he drew from a mistake, that the world was shortly to finish with the dissolution of the empire. All his works, as well those that were written before he fell into Montanism, as those published afterwards, are full of the like opinions; and if Filmer acknowledges them to be true, he must confess, that princes are not fathers, but‡

* Filii pacis, nullius hostes; & Christus exarmando Petrum, omnem Christianum militem in æternum discinxit. Ibid.

† Nobis omnis gloriæ & dignitatis adore frigentibus, &c. Nec alia res est nobis magis aliena quam publica: unam nobis rempublicam mundum agnoscimus. Ibid.

‡ Qui enim magis inimici Christianorum, quam de quorum majestate convenimur in crimen? Ibid.

enemies: and not only they, but all those who render themselves ministers of the powers they execute, in taking upon them the sword that Christ had cursed, do renounce him; and we may consider how to proceed with such as do so. If our author will not acknowledge this, then no man was ever guilty of a more vile prevarication than he, who alledges those words in favour of his cause, which have their only strength in opinions that he thinks false, and in the authority of a man whom in that very thing he condemns; and must do so, or overthrow all that he endeavours to support. But Tertullian's opinions concerning these matters have no relation to our present question. The design of his Apology, and the treatise to Scapula, almost upon the same subject, was to shew, that the civil magistracy, which he comprehends under the name of Cæsar, had nothing to do with matters of religion; and that, as no man could be a christian who would undertake the work of a magistrate, they who were jealous the public offices might be taken out of their hands, had nothing to fear from christians, who resolved not to meddle with them. Whereas our question is only, whether that magistratical power, which, by law or usurpation, was then in Cæsar, must necessarily in all times, and in all places, be in one man, or may be divided and balanced according to the laws of every country, concerning which he says nothing: or whether we, who do not renounce the use of the civil or military sword, who have a part in the government, and think it our duty to apply ourselves to

public cares, should lay them aside, because the ancient christians, every hour expecting death, did not trouble themselves with them.

If Ambrose, after he was a bishop, employed the ferocity of a soldier, which he still retained, rather in advancing the power of the clergy, than the good of mankind, by restraining the rage of tyrants, it can be no prejudice to our cause, of which he had no cognizance. He spoke of the violent and despotical government, to which he had been a minister before his baptism, and seems to have had no knowledge of the Gothic polity, that within a few years grew famous by the overthrow of the Roman tyranny, and delivering the world from the yoke which it could no longer bear. And if Austin might say, that "the emperor is subject to no laws, because he has a power of making laws," I may justly say, that our kings are subject to laws, because they can make no law, and have no power but what is given by the laws. If this be not the case, I desire to know who made the laws, to which they and their predecessors have sworn; and whether they can, according to their own will, abrogate those ancient laws, by which they are made to be what they are, and by which we enjoy what we have; or whether they can make new laws by their own power? If no man but our author have impudence enough to assert any such thing; and if all the kings we ever had, except Richard the Second, did renounce it: we may conclude, that Austin's words have no relation to our dispute; and that it were to no purpose to examine, whether the fathers

mention any reservation of power to the laws of the land, or to the people; it being as lawful for all nations, if they think fit, to frame governments different from those that were then in being, as to build bastions, half-moons, hornworks, ravelins, or counterscarps; or to make use of muskets, cannon, mortars, carabines, or pistols, which were unknown to them.

What Solomon says of the Hebrew kings, does as little concern us. We have already proved their power not to have been absolute, though greater than that which the law allows to ours. It might, upon occasion, be a prudent advice to private persons living under such governments as were usual in the eastern countries, "to keep the king's commandments, and not to say, What dost thou? because where the word of a king is, there is power, and all that he pleaseth he will do." But all these words are not his; and those that are, must not be taken in a general sense; for though his son was a king, yet in his words there was no power; he could not do what he pleased, nor hinder others from doing what they pleased: he would have added weight to the yoke that lay upon the necks of the Israelites, but he could not; and we do not find him to have been master of much more than his own tongue, to speak as many foolish things as he pleased. In other things, whether he had to deal with his own people, or with strangers, he was weak and impotent; and the wretches who flattered him in his follies could be of no help to him. The like has befallen many others: those who are wise, virtuous, valiant, just, and

lovers of their people, have, and ought to have, power; but such as are lewd, vicious, foolish, and haters of their people, ought to have none, and are often deprived of all. This was well known to Solomon, who says, that "a wise child is better than an old and foolish king, that will not be advised." When Nebuchodonosor set himself in the place of God, his kingdom was taken from him, and he was driven from the society of men, to herd with beasts. There was power for a time in the word of Nero: he murdered many excellent men: but he was called to account, and the world abandoned the monster it had too long endured. He found none to defend him, nor better help, when he desired to die, than the hand of a slave. Besides this, some kings by their institution have little power; some have been deprived of what they had, for abusing or rendering themselves unworthy of it; and history affords us innumerable examples of both sorts.

But though I should confess that there is always power in the word of a king, it would be nothing to us, who dispute concerning right, and have no regard to that power which is void of it. A thief or a pirate may have power; but that avails him not, when, as often befell the Cæsars, he meets with one who has more, and is always unsafe, since, having no effect upon the consciences of men, every one may destroy him that can: and I leave it to kings to consider how much they stand obliged to those, who, placing their rights upon the same foot, expose their persons to the same dangers.

But if kings desire, that in their word there should be power, let them take care, that it be always accompanied with truth and justice. Let them seek the good of their people, and the hands of all good men will be with them. Let them not exalt themselves insolently, and every one will desire to exalt them. Let them acknowledge themselves to be the servants of the public, and all men will be theirs. Let such as are most addicted to them, talk no more of Cæsars, nor the tributes due to them. We have nothing to do with the name of Cæsar. They who at this day live under it, reject the prerogatives anciently usurped by those that had it, and are governed by no other laws than their own. We know no law to which we owe obedience, but that of God, and ourselves. Asiatic slaves usually pay such tributes as are imposed upon them; and whilst braver nations lay under the Roman tyranny, they were forced to submit to the same burdens. But even those tributes were paid for maintaining armies, fleets, and garrisons, without which the poor and abject life they led could not have been preserved. We owe none but what we freely give. None is, nor can be, imposed upon us, unless by ourselves. We measure our grants according to our own will, or the present occasions, for our own safety. Our ancestors were born free, and, as the best provision they could make for us, they left us that liberty intire, with the best laws they could devise to defend it. It is no way impaired by the opinions of the fathers. The words of Solomon do rather confirm it. The happiness of those who enjoy the like, and the shameful misery

they lie under, who have suffered themselves to be forced or cheated out of it, may persuade, and the justice of the cause encourage us, to think nothing too dear to be hazarded in the defence of it.

END OF VOLUME II.

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